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PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

	page no. and date
AEC—Environmental effects of uranium fuel cycle.....	14188; 4–22–74

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list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

presidential documents

Title 3—The President

PROCLAMATION 4296

World Environment Day, 1974

By the President of the United States of America

A Proclamation

On May 4, 1974, I had the pleasure of helping to inaugurate EXPO '74, a six-month long exhibition in Spokane, Washington, dedicated to the improvement of the human environment. This exposition is one of many examples of a deepening concern for the quality of life in America.

While much remains to be done, all Americans can be gratified by the substantial success which has already occurred with respect to a number of environmental concerns. Air quality is improving in most of our urban areas as harmful emissions have been reduced. Water quality is similarly improving. In the Great Lakes game fish are returning to areas from which they had long been absent, due in large measure to the cooperative work which we have undertaken with our Canadian neighbors under the terms of an agreement which I signed with Prime Minister Trudeau of Canada on April 15, 1972, in Ottawa. We are working with other nations to deal effectively with a variety of environmental problems, and there will be continued progress.

June 5 will mark the second anniversary of World Environment Day. This date was established by the United Nations as a day on which the peoples of the world can undertake activities reaffirming their concern for the preservation and enhancement of the human environment.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do, in support of the action of the United Nations General Assembly, call on the people of the United States and United States Government agencies to observe once again June 5 as World Environment Day with appropriate ceremonies and activities emphasizing the concern of Americans for a better environment in which to live.

IN WITNESS WHEREOF, I hereunto set my hand this fourth day of June in the year of our Lord nineteen hundred seventy-four, and of the independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.74-13099 Filed 6-5-74; 11:07 am]

EXECUTIVE ORDER 11785

Amending Executive Order No. 10450, as Amended, Relating to Security Requirements for Government Employment, and for Other Purposes

By virtue of the authority vested in me by the Constitution and statutes of the United States, including 5 U.S.C. 1101 *et seq.*, 3301, 3571, 7301, 7313, 7501(c), 7512, 7532, and 7533; and as President of the United States, and finding such action necessary in the best interests of national security, it is hereby ordered as follows:

SECTION 1. Section 12 of Executive Order No. 10450 [1] of April 27, 1953, as amended, is revised to read in its entirety as follows:

"SEC. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked."

SEC. 2. Neither the Attorney General, nor the Subversive Activities Control Board, nor any other agency shall designate organizations pursuant to section 12 of Executive Order No. 10450, as amended, nor circulate nor publish a list of organizations previously so designated. The list of organizations previously designated is hereby abolished and shall not be used for any purpose.

SEC. 3. Subparagraph (5) of paragraph (a) of section 8 of Executive Order No. 10450, as amended, is revised to read as follows:

"Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means."

SEC. 4. Executive Order No. 11605 of July 2, 1971, is revoked.

Richard Nixon

THE WHITE HOUSE,
June 4, 1974.

[FR Doc.74-13101 Filed 6-4-74;3:05 pm]

[1] 18 FR 2489; 3 CFR, 1949-1953 Comp. p. 936.

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that one position of Director of Folk Arts Programs in the National Endowment for the Arts is excepted until June 30, 1976 under Schedule A.

Effective June 6, 1974, § 213.3182(a) (5) is added as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* * * *

(5) Until June 30, 1976, one Director of Folk Arts Programs.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13008 Filed 6–5–74;8:45 am]

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Subpart F—Transfers From Retired Federal Employees Health Benefits Program

PART 891—RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS

Subpart F—Transfers to Federal Employees Health Benefits Programs

The purpose of these amendments to Part 890 and 891 of the Civil Service Commission Regulations is:

(1) To provide a one-time opportunity for retired employees and survivor annuitants enrolled, or eligible to enroll, under the Retired Federal Employees Health Benefits Program to register to be enrolled under the Federal Employees Health Benefits Program,

(2) To provide for cancellation of such enrollment and reinstatement under the Retired Federal Employees Health Benefits Program, and

(3) To fix the effective date of section 2, Public Law 93–246.

On April 19, 1974, the following was published in the FEDERAL REGISTER as proposed rulemaking. Insurance carriers and other interested persons were invited to submit written comments, objections, or suggestions. After careful consideration of the several viewpoints received, the proposed amendments have been adopted without change.

Accordingly, 5 CFR Parts 890 and 891 are amended by the addition of a new Subpart F to both parts as set out below.

1. Subpart F of Part 890 will read as follows:

Subpart F—Transfers From Retired Federal Employees Health Benefits Program

Sec.
890.601 Coverage.
890.602 Opportunity to change enrollment.
890.603 Effective dates.
890.604 Termination of enrollment.

AUTHORITY: (5 U.S.C. 8913)

Subpart F—Transfers From Retired Federal Employees Health Benefits Program

§ 890.601 Coverage.

An annuitant (a retired employee or survivor under Part 891 of this chapter) who is enrolled, or is eligible to enroll, under the Retired Federal Employees Health Benefits Program (Part 891 of this chapter) is eligible to enroll under the Federal Employees Health Benefits Program under this part.

§ 890.602 Opportunity to change enrollment.

An annuitant eligible to enroll under § 890.601 may register during the period from June 1, 1974 through September 30, 1974.

§ 890.603 Effective dates.

The effective date of an enrollment under § 890.602 is the first day of the first pay period following receipt of the enrollment but not earlier than July 1, 1974.

§ 890.604 Termination of enrollment.

An annuitant who enrolls under § 890.602 may at any time register to cancel his enrollment by filing with his employing office a properly completed health benefits registration form, and may register to be reenrolled under the Retired Federal Employees Health Benefits Program as provided under Subpart F of Part 891 of this chapter. Except as provided in this section the cancellation is effective on the last day of the pay period in which the request is received by the employing office when the request is received at least 15 days before the end of the pay period; when the request is received less than 15 days before the end of the pay period, the cancellation shall be effective on the last day of the next pay period. When the request is received before January 1, 1975, and the annuitant has not received benefits under this program or upon repayment of any benefits received under this program, at the request of the annuitant, the effective date of the cancellation shall be made retroactive to the commencing date of enrollment under this part.

2. Subpart F of Part 891 will read as follows:

Subpart F—Transfers to Federal Employees Health Benefits Program

Sec.
891.601 Eligibility.
891.602 Reenrollment.

AUTHORITY: 80 Stat. 607 (5 U.S.C. 8913).

Subpart F—Transfers to Federal Employees Health Benefits Program

§ 891.601 Eligibility.

Notwithstanding § 891.103 a retired employee or survivor enrolled under § 890.602 of this chapter may cancel his enrollment and reenroll under § 891.602.

§ 891.602 Reenrollment.

(a) A retired employee or survivor enrolled, or eligible to be enrolled, under this section will, beginning June 1, 1974, have a 4-month period during which he may elect to register to be enrolled under the Federal Employees Health Benefits Program, as provided under Part 890 of this chapter.

(b) A retired employee or survivor who elected to be enrolled under Part 890 of this chapter may cancel that enrollment before January 1, 1975, and, when no benefits have been paid under Part 890 of this chapter, or upon repayment of any benefits paid under Part 890 may elect to reenroll retroactively under this part. When the retired employee or survivor was previously enrolled in the uniform plan, he shall be restored to his initial coverage with retroactive deductions. When the retired employee or survivor formerly had been receiving a Government contribution toward a private health benefits plan, the contribution may be restored retroactively to the extent that coverage under the private health benefits plan is restored retroactively.

(c) A retired employee and survivor who does not elect retroactive reenrollment under this part, or who cancels his enrollment under Part 890 of this chapter after December 31, 1974, or who has not repaid benefits paid under Part 890 of this chapter, may elect to reenroll prospectively under this part for self or self and family, basic coverage, in the uniform plan or in a private health benefits plan. Elections are effective for a retired employee receiving annuity and a survivor receiving compensation on the first day of the third month following the month in which the retirement office receives the election. Withholdings and contributions are effective for months beginning on and after the first day of the second month following the month in which the retirement office receives the election. For any other retired em-

ployee receiving compensation, the election is effective on the first day of the third 4-week period following the 4-week period in which the Office of Federal Employees' Compensation receives the election, and withholdings and contributions are effective beginning with the second 4-week period following receipt of the election.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-13007 Filed 6-5-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

Appendix—Rulings

[FEO Ruling 1974-14]

BASE RENT REGULATIONS

Facts. Firm A, a refiner, owns Station X which it leases to Firm B, a retailer of gasoline supplied by Firm A. Upon the expiration of Firm B's lease, Firm A leases the station to Firm C at a rent in excess of the base rent that was paid by Firm B.

Issue. Is the increase in rent to Firm C for the use of Station X to an amount in excess of the base rent that was charged to Firm B for the use of Station X a violation of § 212.103?

Ruling. Yes. Section 212.103 prohibits an increase in base rent for property used in the retailing of gasoline, where both the lessor and lessee are refiners, resellers, reseller-retailers, or retailers. "Base rent" is defined in § 212.102, as the rent charged for that station pursuant to the contractual terms prevailing on May 15, 1973. Thus, as long as Station X is a property used in the retailing of gasoline, and as long as the parties to the lease agreement (Firm A and Firm C) are refiner and a retailer, the "Lessor" regulations of Subpart G are applicable.

Thus, a change in the identity of the retailer, or the fact that a new lease agreement has been entered into, does not affect the requirement of § 212.103 that the rent for Station X not be increased to an amount in excess of the base rent.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

MAY 31, 1974.

[FR Doc.74-12939 Filed 6-5-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. M]

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

Reserves Against Eurodollar Borrowings

The present amendment is made pursuant to the Board's authority under section 25 of the Federal Reserve Act. The purpose of this amendment is to avoid duplication of Eurodollar reserve requirements under Regulations D and M where the foreign branch of a member bank ("Bank 'A' ") extends credit to the domestic office of another member bank ("Bank 'B' "). In this situation, § 213.7 (b) of Regulation M would require Bank "A" to maintain reserves against its foreign branch loan to Bank "B", which would be a U.S. resident within the meaning of Regulation M, and § 204.5 (c) of Regulation D would also require Bank "B" to maintain reserves against its borrowing from the foreign branch of Bank "A". This amendment will avoid this duplication of reserves on the same transaction by removing from the computation of reserve requirements under § 213.7(b) of Regulation M credit extended by a foreign branch of a member bank to another member bank that will be maintaining reserves on such credit under § 204.5(c) of Regulation D. Accordingly, in the above situation, Bank "A" would not be required to maintain reserves under Regulation M on its foreign branch loan to Bank "B".

The requirements of section 553(b) of title 5, United States Code, with respect to notice, public participation, and deferral of effective date were not followed in connection with this amendment because the Board found that such procedures were unnecessary and would serve no useful purpose since the rule relieves a restriction without affecting any private interests; furthermore, such procedures would result in delay that would be contrary to the public interest.

Effective May 24, 1974, the Board amended the proviso in § 213.7(b) of Regulation M to read as follows:

§ 213.7 Reserves against foreign branch deposits.

* * * * *

(b) * * * *Provided,* That this paragraph does not apply to credit extended (1) in the aggregate amount of $100,000 or less to any U.S. resident, (2) by a foreign branch which at no time during the computation period had credit outstanding to U.S. residents exceeding $1 million, (3) to enable the borrower to comply with the requirements of the Office of Foreign Direct Investments, Department of Commerce,* (4) under binding commitments entered into before May 17, 1973, or (5) to another member bank that will be maintaining reserves on such credit under § 204.5(c) of Regulation D.

By order of the Board of Governors, May 24, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12993 Filed 6-5-74;8:45 am]

*The branch may in good faith rely on the borrower's certification that the funds will be so used.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13820; Amdt. No. 61-63]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Graduates of Certificated Flying Schools

The purpose of this amendment to Part 61 of the Federal Aviation Regulations is to provide for testing and certification of graduates of pilot schools operated under certificates issued under Part 141 in effect prior to November 1, 1974.

Amendment 141-13 (effective November 1, 1974, and published in the Part II of this issue at 39 FR 20145), which substantially revises Part 141, provides in § 141.29 that a pilot school certificate issued before November 1, 1974 remains in effect until the expiration date on the certificate unless sooner surrendered, suspended, or revoked. In addition, a pilot school certificate issued before November 1, 1974 may be renewed under Part 141 to allow those students enrolled in an approved course of training prior to November 1, 1974 to complete that training.

As pointed out in Notice No. 73-5 preceding Amendment 141-13, much of the impetus for that amendment resulted from the recommendation of the Assistant Secretary for Safety and Consumer Affairs of the Department of Transportation that the requirements of Parts 61 and 141 be reviewed and upgraded. The upgrading of Part 61 was accomplished by Amendment 61-60 (effective November 1, 1973, and published in the FEDERAL REGISTER on February 1, 1973, 38 FR 3156). Amendment 141-13 accomplishes the upgrading of Part 141. However, because the Parts are closely related, compatibility of those Parts must be provided for.

Consequently, the FAA has determined that this amendment to Part 61 is necessary to effectively implement revised § 141.29. As adopted, a new flush paragraph following paragraph (b) of § 61.71 recognizes the fact that students trained by pilot schools permitted to operate under the requirements of Part 141 in effect prior to November 1, 1974 may be at a disadvantage in attempting to meet the revised testing requirements of revised Part 61. Accordingly, § 61.71 will now permit a student who graduates from such a pilot school to be eligible for certification and to be tested for his pilot certificate under the requirements of Part 61 that were in effect prior to November 1, 1973.

Finally, in order to accommodate this change to § 61.71, it has been necessary to amend the applicability provisions of § 61.1 to reflect the exception created herein to the time-limited certification option provided for in § 61.1 for meeting the requirements of Part 61.

Since this amendment merely extends the date for compliance with revised Part 61 for certain applicants, and does not impose an additional burden on per-

sons affected thereby, I find that public notice and procedure thereon are unnecessary.

This amendment is made under the authority of sections 313(a), 314, 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1422), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 61 of the Federal Aviation Regulations is amended effective November 1, 1974, as follows:

1. By amending paragraph (b) of § 61.1 to read as follows:

§ 6.11 **Applicability.**

* * * * *

(b) Except as provided in § 61.71 of this part, an applicant for a certificate or rating may, until November 1, 1974, meet either the requirements of this part, or the requirements in effect immediately before November 1, 1973. However, the applicant for a private pilot certificate with a free balloon class rating must meet the requirements of this part.

2. By adding a new flush paragraph immediately following paragraph (b) of § 61.71 to read as follows:

§ 61.71 **Graduates of certificated flying schools: special rules.**

* * * * *

(b) * * *

However, until January 1, 1977, a graduate of a flying school certificated and operated under the provisions of § 141.29 of this chapter, is considered to meet the aeronautical experience requirements of this part, and may be tested under the requirements of Part 61 that were in effect prior to November 1, 1973.

Issued in Washington, D.C., on May 29, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-12774 Filed 6-5-74;8:45 am]

[Airspace Docket No. 74-GL-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7805 of the FEDERAL REGISTER dated February 28, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the transition area at Waseca, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on May 24, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

WASECA, MINNESOTA

That airspace extending upward from 700 feet above the surface within a five mile radius of the Waseca Municipal Airport (latitude 44°04'24" N., longitude 93°33'10" W.); within three and a half miles each side of the 339° bearing from the Waseca Municipal Airport, extending from the five mile radius to eight miles north of the airport; within one and a half miles each side of the 046° bearing from the Waseca Municipal Airport, extending from the five mile radius to six miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

[FR Doc.74-12930 Filed 6-5-74;8:45 am]

[Airspace Docket No. 74-GL-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 12768 of the FEDERAL REGISTER dated April 8, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Watertown, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (47 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on May 24, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

WATERTOWN, WISCONSIN

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Watertown Municipal Airport (latitude 43°10'15" N., longtitude 88°43'20" W.).

[FR Doc.74-12929 Filed 6-5-74;8:45 am]

[Docket No. 13762; Amdt. No. 919]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective June 27, 1974:

Palau Islands U.S. Trust Territory—Angaur Arpt., NDB-A, Orig., canceled.

2. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAPs, effective July 18, 1974:

Cold Bay, Alaska—Cold Bay Arpt., LFR-A, Amdt. 3, canceled.
Homer, Alaska—Homer Municipal Arpt., LFR-A, Amdt. 17, canceled.
Kenai, Alaska—Kenai Municipal Arpt., LFR-A, Amdt. 15, canceled.
King Salmon, Alaska—King Salmon Arpt. LFR Rwy 11, Amdt. 15, canceled.
Kodiak, Alaska—Kodiak Arpt., LFR Rwy 25, Amdt. 2, canceled.

3. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 18, 1974:

Annette Island, Alaska—Annette Island Arpt., VORTAC-A, Amdt. 4.
Annette Island, Alaska—Annette Island Arpt. VORTAC Rwy 30, Admt. 4.
Ashtabula, Ohio—Ashtabula County Arpt., VOR Rwy 8, Amdt. 2.
Ashtabula, Ohio—Ashtabula County Arpt., VOR/DME Rwy 26, Amdt. 1.
Astoria, Oreg.—Clatsop County Arpt., VOR Rwy 7, Amdt. 8.

Astoria, Oreg.—Clatsop County Arpt., VOR Rwy 13, Amdt. 12.
Big Spring, Tex. Howard County Arpt., VOR Rwy 16, Amdt. 9.
Cold Bay, Alaska—Cold Bay Arpt., VOR Rwy 14, Amdt. 7.
Cold Bay, Alaska—Cold Bay Arpt., VORTAC-A, Amdt. 2.
Kenai, Alaska—Kenai Municipal Arpt., VOR/DME Rwy 1, Amdt. 1.
Kenai, Alaska—Kenai Municipal Arpt., VOR Rwy 19, Amdt. 8.
King Salmon, Alaska—King Salmon Arpt., VOR Rwy 11, Amdt. 8.
King Salmon, Alaska—King Salmon Arpt., VORTAC Rwy 29, Amdt. 5.
Laurel/Hattiesburg, Miss.—Pine Belt Regional Arpt., VOR Rwy 36, Orig.
Lihue, Hawaii—Lihue Arpt., VOR-A (TAC), Amdt. 1.
Lihue, Hawaii—Lihue Arpt., VORTAC Rwy 21, Amdt. 1.
Lorain (Elyria), Ohio—Lorain County Regional Arpt., VOR Rwy 7, Amdt. 3.
Marion, Ind.—Marion Municipal Arpt., VOR Rwy 4, Amdt. 5.
Marion, Ind.—Marion Municipal Arpt., VOR Rwy 15, Amdt. 2.
Marion, Ind.—Marion Municipal Arpt., VOR Rwy 22, Amdt. 8.
Mount Holly, N.J.—Burlington County Airpark, VOR-A, Orig.
Nome, Alaska—Nome Arpt., VOR/DME Rwy 9, Amdt. 3.
Nome, Alaska—Nome Arpt., VOR Rwy 27, Amdt. 10.
Norwich, N.Y.—Warren Eaton Arpt., VOR/DME-A, Orig.
Peoria, Ill.—Greater Peoria Arpt., VOR Rwy 12 (TAC), Amdt. 13.
Peoria, Ill.—Greater Peoria Arpt., VORTAC Rwy 12, Orig., canceled.
Peoria, Ill.—Greater Peoria Arpt., VORTAC Rwy 30, Amdt. 1.
Plymouth, Ind.—Plymouth Municipal Arpt., VOR Rwy 10, Amdt. 4.
Plymouth, Ind.—Plymouth Municipal Arpt., VOR Rwy 28, Amdt. 3.
Roseau, Minn.—Roseau Municipal Arpt., VOR-A, Amdt. 2.
Roseau, Minn.—Roseau Municipal Arpt., VOR Rwy 16, Amdt. 1.

4. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 18, 1974:

Barrow, Alaska—Wiley Post-Will Rogers Memorial Arpt., LOC Rwy 6, Amdt. 2.
Cold Bay, Alaska—Cold Bay Arpt., LOC/DME (BC) Rwy 32, Amdt. 2.
Fairbanks, Alaska—Fairbanks Int'l. Arpt., LOC (BC) Rwy 1L, Amdt. 11.
Nome, Alaska—Nome Arpt., LOC Rwy 27, Amdt. 1.
Peoria, Ill.—Greater Peoria Arpt., LOC (BC) Rwy 12, Amdt. 12.
Sioux Falls, S.D.—Joe Foss Field, LOC (BC) Rwy 21, Amdt. 14.

* * * effective June 27, 1974:

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., LOC Rwy 4R, Amdt. 1.

5. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 18, 1974:

Annette Island, Alaska—Annette Island Arpt., NDB-B, Amdt. 5.
Barrow, Alaska—Wiley Post-Will Rogers Memorial Arpt., NDB Rwy 06, Amdt. 2.
Cold Bay, Alaska—Cold Bay Arpt., NDB-A, Orig.
Cold Bay, Alaska—Cold Bay Arpt., NDB Rwy 14, Amdt. 6.
Detroit, Mich.—Detroit Metropolitan-Wayne County Arpt., NDB Rwy 3L, Amdt. 2.
Detroit, Mich.—Detroit Metropolitan-Wayne County Arpt., NDB Rwy 3R, Amdt. 2.
Everett, Wash.—Snohomish County (Paine Field), NDB Rwy 16, Amdt. 9.
Homer, Alaska—Homer Municipal Arpt., NDB-A, Orig.
Kenai, Alaska—Kenai Municipal Arpt., NDB-A, Orig.
King Salmon, Alaska—King Salmon Arpt., NDB-A, Orig.
Kodiak, Alaska—Kodiak Arpt., NDB Rwy 25, Orig.
Nome, Alaska—Nome Arpt., NDB Rwy 27, Amdt. 2.
Peoria, Ill.—Greater Peoria Arpt., NDB Rwy 30, Amdt. 7.
Petersburg, Alaska—Petersburg Arpt., NDB-A, Amdt. 1.
Platteville, Wis.—Platteville Municipal Arpt., NDB Rwy 25, Amdt. 1.

6. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 18, 1974:

Anchorage, Alaska—Anchorage Int'l. Arpt., ILS Rwy 6R, Amdt. 4.
Cold Bay Alaska—Cold Bay Arpt., ILS Rwy 14, Amdt. 9.
King Salmon, Alaska—King Salmon Arpt., ILS Rwy 11, Amdt. 11.
New Orleans, La.—New Orleans Int'l. (Moisant Field), ILS Rwy 10, Amdt. 26.
Peoria, Ill.—Greater Peoria Arpts., ILS Rwy 30, Amdt. 9.
Sioux Falls, S.D.—Joe Foss Field, ILS Rwy 3, Amdt. 18.

* * * effective June 27, 1974:

Covington, Ky.—Greater Cincinnati Arpt., ILS Rwy 27L, Orig.
Greensboro, N.C.—Greensboro-High Point-Winston Salem Regional Arpt., ILS Rwy 23, Orig.

7. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective July 18, 1974:

King Salmon, Alaska—King Salmon Arpt., RADAR-1, Amdt. 3.
Memphis, Tenn.—Memphis Int'l. Arpt., RADAR-1, Amdt. 27.
Peoria, Ill.—Greater Peoria Arpt., RADAR-1, Amdt. 2.

8. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 18, 1974:

Ashtabula, Ohio—Ashtabula County Arpt., RNAV Rwy 26, Amdt. 1.
Georgetown, Del.—Sussex County Arpt., RNAV Rwy 22, Orig.
Peoria, Ill.—Greater Peoria Arpt., RNAV Rwy 4, Amdt. 1.
Peoria, Ill.—Greater Peoria Arpt., RNAV Rwy 12, Amdt. 1.
Peoria, Ill.—Greater Peoria Arpt., RNAV Rwy 22, Amdt. 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c); 5 U.S.C. 552(a)(1)).)

Issued in Washington, D.C., on May 30, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.74-12928 Filed 6-5-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. OR-82]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTER

Delegation to the General Counsel

The delegation of authority to the General Counsel, which is set forth in § 385.19(c) continues to include a reference to proceedings or matters "under § 300.15 of this chapter." Since said § 300.15 was deleted and reserved by PR-115, effective November 24, 1970, the reference thereto in § 385.19(c) has been rendered obsolete. The purpose of this amendment is to delete such reference.

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR § 385.19 and shall become effective on June 26, 1974. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR § 385.50 through 385.54).

Accordingly, the Board hereby amends § 385.19(c), effective June 26, 1974, to read as follows:

§ 385.19 Delegation to the General Counsel.

* * * * *

(c) Issue, upon request therefor, interpretations of facts bearing upon disqualifications of former Board members and employees under § 300.13 or § 300.14 of this chapter (Procedural Regulations).

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989 (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

Effective: June 26, 1974.

Adopted: June 3, 1974.

[SEAL] RICHARD LITTELL,
General Counsel.

[FR Doc.74-12999 Filed 6-5-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-280]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Kentucky	Christian	Hopkinsville, city of	June 3, 1974. Emergency.	Feb. 1, 1974		
Massachusetts	Plymouth	Hingham, town of	do			
Minnesota	Anoka	Lexington, city of	do	Mar. 29, 1974		
Do	St. Louis	Floodwood, city of	do	do		
Do	Stearns	Paynesville, city of	do	Apr. 12, 1974		
Missouri	Osage	Chamois, city of	do	Mar. 29, 1974		
New York	Monroe	Sweden, town of	do	Mar. 1, 1974		
Oregon	Morrow	Unincorporated areas	do			
Pennsylvania	Allegheny	Harmar, township of	do			
Do	Clinton	Beech Creek, borough of	do	May 10, 1974		
Do	Mifflin	Wayne, township of	do			
Do	Northampton	Portland, borough of	do	Apr. 12, 1974		
Texas	Hardin	Sour Lake, city of	do			
Do	Williamson	Georgetown, city of	do	Mar. 8, 1974		
Virginia	Caroline	Unincorporated areas	do			
Do	Essex	Tappahannock, town of	do			
Do	Northampton	Cape Charles, town of	do			
W. Virginia	Marshall	Benwood, city of	do			
Wisconsin	Monroe	Kendall, village of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 28, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-12878 Filed 6-5-74;8:45 am]

[Docket No. FI-281]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	St. Lucie	Unincorporated areas	May 31, 1974. Emergency.			
Minnesota	Waseca	do	do			
New Jersey	Middlesex	North Brunswick, township of.	do			
New York	Nassau	Rockville Centre, village of	do			
Do	Suffolk	Brightwaters, village of	do			
Oklahoma	Kay	Blackwell, city of	do	Feb. 1, 1974		
Pennsylvania	Mercer	Greenville, borough of	do			
Do	Westmoreland	Arnold, city of	do			
Wisconsin	Adams	Unincorporated areas	do			
Texas	Gillespie	do	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 24, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-12877 Filed 6-5-74;8:45 am]

[Docket No. FI-282]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Georgia	Camden	St. Mary's, city of	May 30, 1974. Emergency.	May 17, 1974		
Idaho	Shoshone	Osburn, city of	do	Jan. 23, 1974		
Kansas	Cowley	Winfield, city of	do	Feb. 1, 1974		
Do	Pottawatomie	St. Mary's, city of	do	Dec. 7, 1973		
Louisiana	Lafourche Parish	Thibodaux, city of	do	Feb. 12, 1974		
Minnesota	Dakota	South St. Paul, city of	do	May 10, 1974		
Do	Rice	Unincorporated areas	do			
Do	Yellow Medicine	Canby, city of	do	Apr. 5, 1974		
Nebraska	Wayne	Wayne, city of	do	Mar. 22, 1974		
New York	Suffolk	Bellport, village of	do			
Do	Westchester	New Castle, town of	do			
Pennsylvania	Adams	York Springs, borough of	do			
Do	Berks	Sinking Spring, borough of	do	Mar. 29, 1974		
Do	Carbon	Weissport, borough of	do	Jan. 16, 1974		
Virginia	Indp. City	Chesapeake, city of	July 17, 1970. Emergency. Jan. 31, 1972. Suspension. May 24, 1974. Reinstated.	July 18, 1970		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 23, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-12879 Filed 6-5-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

Membership of the Contract Appeals Board

Section 1.772(a) is amended to specify the position designations for the Chairman and members of the Veterans Administration Contract Appeals Board.

Compliance with the provisions of § 1.12 of this chapter as to notice of proposed regulatory development and delayed effect date is unnecessary in this instance and would serve no useful purpose. This amendment places in regulatory form a non-substantive change in title designation which is already approved and in practice.

In § 1.772, paragraph (a) is amended to read as follows:

§ 1.772 Composition of the Board.

(a) *Membership.* The Board is composed of a Chairman and members designated by the Administrator, all of whom shall be members of the bar of a State, commonwealth, or territory of the United States or of the District of Columbia. The Chairman and members of the Board are designated Administrative Judges.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective April 22, 1974.

Approved: May 31, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-12990 Filed 6-5-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Final Reclassification of Air Quality Control Regions; Corrections

In FR Doc. 74-10440 appearing at 39 FR 16344 in the issue for Wednesday, May 8, 1974, on page 16346 in Subpart V—Maryland, the reference to the Metropolitan Baltimore Intrastate Region in §§ 52.1071 and 52.1078 is deleted and the reference to § 52.1075, which was incorrectly revoked, is deleted.

In FR Doc. 73-18629 appearing at 38 FR 24333 of the issue for Friday, September 7, 1973, on page 24341 the reference to "paragraph (b)(9) in § 52.84" should be "paragraph (d)(9) in § 52.84."

In FR Doc. 73-25118 appearing at 38 FR 33368 of the issue for Monday, December 9, 1973, on page 33368 the reference to § 52.131 is corrected to read as follows:

In § 52.131, the attainment date table is amended by replacing the date "May 31, 1975," for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Phoenix-Tucson Intrastate Region with the dates "May 31, 1977" and "May 31, 1975" respectively and by revoking and reserving footnote "d".

Dated: June 3, 1974.

ROGER STRELOW,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-13026 Filed 6-5-74;8:45 am]

PART 51—REQUIREMENTS FOR THE PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS

Nitrogen Dioxide Control Strategy; Correction

In FEDERAL REGISTER document 74-10439 appearing at page 16122 of the issue for Tuesday, May 7, 1974, the date "June 5, 1971" in the second paragraph was incorrectly referred to. This reference is changed to read "June 5, 1973."

Dated: June 3, 1974.

ROGER STRELOW,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-13027 Filed 6-5-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amendment H-84]

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Use of Excess Property on Contracts and Grants

This amendment of Part 101-43 provides added requirements for the acquisition, use, and eventual disposition of excess personal property obtained by executive agencies and furnished to project grantees. It sets forth the responsibility of Federal agencies to improve the operation and administration of their grantee program in five key areas: (1) Making usable excess property available quickly and efficiently to authorized grantees; (2) allocating and distributing property evenly among grantees; (3) ensuring proper use of property by grantees; (4) ensuring that the Federal Government obtains the maximum use of the property; and (5) strengthening the administration of the grantee program through improved information and accounting systems.

The table of contents for Part 101-43 is amended as follows:

101-43.4908 GSA Form 2946, Authorization Certificate to Select/Freeze Excess Personal Property

Subpart 101-43.3—Utilization of Excess

Section 101-43.320 is revised to read as follows:

§ 101-43.320 Use of excess property on contracts and grants.

(a) Executive agencies are responsible under § 101-43.302 for fulfilling requirements for property, including requirements of cost-reimbursement type contractors by transferring to and obtaining from other Federal agencies excess personal property. The use of excess personal property shall be considered by Federal agencies in their cost-reimbursement type contracts and project grants which are made pursuant to programs established by law and for which funds are appropriated by the Congress. As used in this § 101-43.320, the term "project grants" refers to grants made for a specific purpose with established termination dates; e.g., grants made to specific institutions to perform specific tasks within set time frames and costs.

(b) It is the responsibility of all agencies to achieve their program objectives at the least possible cost. Excess personal property can be used to reduce costs and shall be considered for such use wherever possible. Excess personal property can also be used to expand the ability of a contractor or project grantee to fulfill his mission, and shall be considered for this use wherever possible. Excess personal property may be furnished to a contractor or project grantee with the approval of an authorized Federal official provided a determination is made by the contracting or sponsoring Federal agency that the acquisition will result in a reduction in the cost to the Government of the contract or grant or an enhancement in the product or the benefit from the contract or grant. Transfer orders for excess personal property must be executed by a duly authorized accountable official of the contracting or grantor agency. The project officer, at the discretion of the acquiring Federal agency, may also be required to sign such orders.

(c) Excess personal property is transferred between Federal agencies as provided in § 101-43.315-5. The receiving Federal agency may furnish the property to its contractor or project grantee as Government-furnished property, but title generally remains vested in the Government. A few Federal agencies have specific statutory authority to vest title in contractors or grantees under certain circumstances. When competing Federal claims are made for particular items of excess personal property, GSA will give preference to the Federal agency whose contractor or grantee is operating under agreements which do not permit ultimate vesting of title.

(d) Federal agencies, when drawing up contract or grant documents, shall ensure that appropriate provisions are included therein to accommodate the furnishing of excess personal property to contractors or project grantees. The system of accountability for such property will be in accordance with contractual and agency procedures, and records will be subject to audit by an internal audit group of the contracting or granting Federal agency. Federal grantor agencies shall include the following information in their grants record-keeping sys-

tems: number of grantees using excess personal property; total dollar value of property loaned to all grantees; dollar value of property on loan to each grantee; date of grant termination; acquisition cost of loaned items; dollar value of the grant; and percentage of acquisition cost of loaned property to the dollar value of the grant. Where an agency has statutory authority to vest title in grantees, comparable records shall be maintained, including records which will indicate the dollar value of property vested in any grantee.

(e) Records of Federal contracting and grantor agencies shall be made available upon request to the General Accounting Office. The contract or grant shall include adequate safeguards and assurances relative to use, maintenance, consumption, unauthorized use, and redelivery to Government custody of Government-furnished property.

(f) Federal grantor agencies shall make excess personal property available only to project grantees, with authorization for such grantees to use the property made a part of the grant document. To ensure that all such property transferred is for the specific purpose authorized by the grantor agency, all transfer orders submitted to GSA for excess personal property to be made available to project grantees shall be signed by the agency accountable officer and shall state the name of the project grantee, the grant number, and scheduled date of grant termination. The transfer order shall also specify the purpose of the transfer, and affirm that the transfer of the property is requested for use by a project grantee in accordance with the provisions of 41 CFR Part 101–43.

(g) With the exception of consumable items, Federal grantor agencies are encouraged to make all eligible types of excess personal property available to their project grantees. Consumable items, for the purpose of this section, are those items which are intended for one-time use and actually consumed in that one time (e.g., drugs, medicines, surgical dressings, cleaning and preserving materials, fuel, etc.). In those instances where there is a question concerning the consumability of an item of excess personal property for use by a project grantee, the final decision on whether the item is approved for transfer will rest with the appropriate GSA regional office. When circumstances warrant, agencies may set economic quantities for orders processed or set minimum life expectancies for excess personal property made available to grantees. To help ensure a more equitable distribution of property among grantees, Federal grantor agencies shall limit the amount of excess personal property (in terms of Government acquisition cost) loaned to a grantee to the dollar value of the grant. Any higher percentage of excess personal property loaned to a grantee shall be subject to approval by an administrative level in the Federal agency higher than the project officer administering the grant. It is expected that agencies will give full consideration to all factors in determining whether to approve or disapprove transfers to grantees of excess property above the dollar value of the grant. Pro forma approvals or disapprovals are inconsistent with the purpose of this regulation. GSA will monitor agency actions in this regard to ensure compliance with the provisions of this regulation. Limits on the value of excess personal property and/or material grants consisting of excess personal property used in lieu of financial support, below the dollar value of the grant, may be authorized by Federal grantor agencies but should be justified in the basic grant instrument.

(h) For the purpose of reducing delays in screening excess personal property at holding activities, and to make property available quickly and efficiently to authorized grantees, non-Federal grantee screeners shall be subject to certification by Federal authority as follows:

(1) Federal grantor agencies shall recommend and submit to GSA the names of non-Federal grantee screeners. The sponsoring Federal agency recommending the designation of a non-Federal grantee screener shall prepare a request covering each such designation and forward it for evaluation and approval to the appropriate GSA regional office serving the region in which the intended screener is located. (See § 101–43.4903 for regional offices, addresses, and assigned areas.) The request shall state the applicants qualifications to screen excess personal property for use on grants, indicate the name, number, and termination date of the specific grant to which the screener is to be assigned, and list the Federal installations which the grantor agency wishes the applicant to visit. Since GSA certification of screeners will be made on a regional basis, the list of installations shall be limited to those located within the boundaries of the GSA regional office in which the screener is located. Requests by Federal grantor agencies for screeners to visit holding activities located in a GSA region other than the region in which the screener is located shall be a matter of separate handling by GSA and any such requests will require special approval by the involved GSA regional offices. Requests for approval of such interregional visits shall include the name of the installation(s) and the specific reason for the visit. Information shall also be included as to whether similar requests for interregional visits have been sent to other GSA regional offices. The request shall be forwarded to the GSA regional office representative serving the region in which the screener is located who will coordinate the request with the regional office in which the installation is located and advise the requestor of the action taken on the request.

(2) Federal grantor agencies shall accompany each non-Federal grantee screener request with GSA Form 2946, Authorization Certificate to Select/Freeze Excess Personal Property. (See § 101–43.4908 for illustration). GSA Forms 2946 must contain the typed name of the sponsoring Federal grantor agency, the signature of the grantor agency representative, and the typed name and signature of the proposed non-Federal grantee screener.

(3) GSA regional offices shall be responsible for processing the Federal grantor agency request for certification of the non-Federal agency screener. Upon review and evaluation, the GSA regional office, if the request is approved, will enter the issue and expiration dates on the GSA Form 2946. The form will then be signed by the GSA regional representative and returned to the sponsoring Federal grantor agency for distribution to and use by the non-Federal grantee screener when visiting holding activities.

(4) Each Federal grantor agency shall be responsible for maintaining a record of the number of certified screeners working through their authority and for immediately notifying the GSA regional office of any changes in screening assignments. Upon termination of a grant or whenever the services of an approved non-Federal grantee screener are discontinued, the Federal grantor agency shall recover the GSA Form 2946 and forward it to the appropriate GSA regional office for cancellation.

(i) Federal grantor agencies shall develop and maintain an effective system for the prevention or detection of situations involving the nonuse, improper use, or the unauthorized disposal or destruction of excess personal property furnished to grantees. This responsibility shall include compliance reviews, field inspections, and other enforcement procedures to monitor the excess personal property being used by their grantees. Grantor agencies shall publish procedures which clearly outline the scope of their respective surveillance program, the policies and methods for the enforcement of their compliance responsibilities, and the correction of abuses in the use of property.

(j) Except when specifically authorized by statute to vest title, Federal agencies, upon termination of the contract or grant in whole or in part, shall reassign Government-furnished property as far as practicable, to other contractors or grantees, or to other activities of the contracting Federal agency. If no reassignment is made, and if the property is not disposed of pursuant to applicable regulations or contract provisions relating to contract or inventory, it shall be reported to GSA by the contracting or grantee Federal agency for possible further Government use, as provided in § 101–43.311, unless other reporting requirements have been agreed upon by GSA and the reporting agency. Property not required to be reported shall be handled as provided in §§ 101–43.306 and 101–43.318–2. Property normally shall be held by the contractor or grantee until transfer, donation, or disposal instructions are received. Contracting or grantor agencies shall publish procedures which clearly delineate the obligations of contractors and grantees with respect to the use and consumption or return to Government custody of property acquired from excess sources.

Subpart 101–43.49—Illustrations

Section 101–43.4908 is revised as follows:

§ 101–43.4908 GSA Form 2946, Authorization Certificate to Select/Freeze Excess Personal Property.

NOTE: The form illustrated at § 101–43.4908 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective June 6, 1974, except that the use of GSA Form 2946 as provided in § 101–43.320(h)(2) is effective August 1, 1974.

Dated: May 30, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–12997 Filed 6–5–74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–33; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, to allow variable-load turn signal flashes on trucks that are capable of accommodating slide-in campers.

The proposal on which the amendment is based was published on January 3, 1974 (39 FR 822), pursuant to a petition by Ford Motor Company. Standard No. 108 presently requires turn signal failure indication in accordance with SAE Standard J588d, except on vehicles whose overall width is 80 inches or more, and on vehicles equipped to tow trailers. This has the effect of mandating use of fixed-load flashers, since special circuitry would be necessary to sense and indicate a failure in a variable-load system.

The NHTSA proposed to include trucks capable of accommodating slide-in campers in the group of vehicles not required to have a failure indicator (and hence allowed to have variable-load flashers). The problem presented by Ford may be summarized as follows: when camper turn signal lamps are added to the turn signal circuit of the vehicle carrying the camper, the flash rate will increase, to a level generally exceeding the maximum specified by Standard No. 108. Allowing a variable-load flasher will insure a uniform flash rate when the camper is installed.

In response to the opportunity afforded for comments, seven submittals were received. Six supported the proposal. The seventh commenter, a foreign equipment manufacturer, opposed the proposal on the grounds that suitable flashers for similar applications are available in Europe.

The NHTSA has determined that the availability of variable-load flashers ensuring flash rate control within the limits of the standard is desirable, and should be permitted on trucks capable of accommodating slide-in campers, despite the lack of lamp failure indication. In order to make clear the intent of the regulation, language is being added to specify that the exception applies only to vehicles with variable-load flashers.

In consideration of the foregoing, paragraph S4.5.6 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108 is revised to read:

§ 571.108 Standard No. 108, Lamps, reflective devices and associated equipment.

* * * * *

S4.5.6 Each vehicle equipped with a turn signal operating unit shall also have an illuminated pilot indicator. Failure of one or more turn signal lamps to operate shall be indicated in accordance with SAE Standard J588d, "Turn Signal Lamps", June 1966, except where a variable-load turn signal flasher is used on a truck, bus, or multipurpose passenger vehicle 80 or more inches in overall width, on a truck that is capable of accommodating a slide-in camper, or on any vehicle equipped to tow trailers.

* * * * *

Effective date. Because the amendment allows an additional option and creates no additional burden, it is found for good cause shown that an immediate effective date is in the public interest.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 407); delegation of authority at 49 CFR 1.51)

Issued on May 31, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74–12936 Filed 6–5–74;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—SPECIAL PROGRAMS

PART 760—INDEMNITY PAYMENT PROGRAMS

Subpart—Beekeeper Indemnity Payment Program (1974–1977)

On April 16, 1974, a notice of proposed rulemaking regarding amendments to the beekeeper indemnity payment program regulations was published in the FEDERAL REGISTER (39 FR 13660).

Interested persons were given until May 15, 1974, to submit written comments, suggestions, or objections regarding the proposed amendments. Comments received from the notice of proposed rulemaking were generally favorable regarding the proposal to increase the rates of payment to the levels proposed. A number of respondents stated that the rates per colony should be increased more than the amounts proposed, citing the significant increases in operating costs sustained by beekeepers. Most concern was expressed with the rate proposed for a moderately damaged colony. Also comments on the payment rate for a queen nucleus destroyed favored a larger increase than proposed. After consideration of all comments received regarding rates of payment, the regulations have been changed to provide for an increased rate of $7.50 for each colony moderately damaged and for each queen nucleus destroyed. Some objections were received on the proposal to eliminate payment for multiple losses. However, the majority of the respondents favored eliminating such payments. Comments on the proposals to accept the inspectors' certification of pesticide damage and to eliminate the option of filing a claim on the basis of net loss of income were generally favorable.

After consideration of all such relevant matter as was presented by interested persons, the proposed regulations are hereby adopted with the exception that the rates of payment for losses which occurred since January 1, 1974, in paragraph (a) (3) of § 760.109 for each colony moderately damaged and in paragraph (a) (4) of § 760.109 for each queen nucleus destroyed are amended to read "$7.50."

Effective date: June 6, 1974.

Signed at Washington, D.C. on May 31, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Subpart—Beekeeper Indemnity Payment Program (1974–1977)

Sec.

AUTHORITY: Pub. L. 91–524 (84 Stat. 1382), as amended by Pub. L. 93–86 (87 Stat. 237).

Subpart—Beekeeper Indemnity Payment Program (1974–1977)

§ 760.100 Administration.

The beekeeper indemnity payment program is administered by the Agricultural Stabilization and Conservation Service under the supervision and direction of the Deputy Administrator, Programs. In this field, the program is carried out by the ASCS State and county committees.

§ 760.101 Definitions.

For the purpose of this subpart, the following terms shall have the meaning specified:

(a) "Apiary" means the place where bees are kept, commonly known as a "bee yard".

(b) "Application period" means any period with respect to which application for payment is made beginning not earlier than January 1, 1974, and ending not later than December 31, 1977.

(c) "ASCS" means the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(d) "Bee" means the honeybee, Apis mellifera L.

(e) "Beekeeper" means a person who maintains colonies of bees.

(f) "Colony" means a community of bees living together in a hive with a queen.

(g) "Colony destroyed" means a colony in which the kill of bees by pesticides was so severe that the colony will not survive.

(h) "Colony moderately damaged" means a colony so damaged by pesticides as to destroy only the field bees.

(i) "Colony severely damaged" means a colony in which the field bees were killed by pesticides, the colony suffered damage to the brood, but the colony did survive.

(j) "County committee" means the Agricultural Stabilization and Conservation County Committee.

(k) "DAP" means the Deputy Administrator, Programs, ASCS.

(l) "Person" means an individual, partnership, association, corporation, trust, estate, or other legal entity.

(m) "Pesticide" means an economic poison which was registered pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135–135k), and approved for use by the Federal Government.

(n) "Queen nucleus" means a small colony of bees maintained solely for the purpose of producing queen bees.

(o) "Queen nucleus destroyed" means a queen nucleus in which the kill of bees by pesticides was so severe that the queen nucleus did not survive.

(p) "State committee" means the Agricultural Stabilization and Conservation State Committee.

§ 760.102 Indemnity payment.

An indemnity payment computed in accordance with § 760.109 will be made under this subpart to a beekeeper who has suffered a loss of his bees as a result of the application of pesticides and who establishes to the satisfaction of the county committee that he meets all of the requirements of this subpart.

§ 760.103 Requirements for eligibility.

(a) A beekeeper, to be eligible for an indemnity payment, shall file an application for payment with the county committee and establish to the satisfaction of the county committee all of the following:

(1) That during the application period, he suffered a loss of bees;

(2) That the loss of bees was caused solely by the use of pesticides near or adjacent to his apiary, and occurred without his fault;

(3) That if he used pesticides, such use of pesticides in no way contributed to the loss of his bees;

(4) That if he had advance knowledge that pesticides were going to be used near or adjacent to his apiary, he took reasonable precautions to protect his bees from exposure to pesticides, or, if he took no such precautions, that his failure to do so was reasonable under the circumstances;

(5) That after exposure of his bees to pesticides, he took reasonable action to minimize the bee loss to the extent that such action was feasible.

(b) A beekeeper, to be eligible for an indemnity payment shall, no later than July 15 of each such year, submit to the ASCS county office where his headquarters are located a signed statement specifying the number of colonies of bees and queen nuclei maintained at each apiary and the location of each apiary: *Provided, however,* That such statement may be submitted after such date if the county committee determines that the beekeeper's failure to submit the statement by such date was because of illness or other reason beyond his control; *And provided, further,* That an amendment to such statement shall be submitted after such date to reflect any purchase or sale of colonies or queen nuclei after July 15, together with proof of such purchase or sale. The number of colonies and queen nuclei specified in this statement, as amended, shall be the maximum number of colonies and queen nuclei for which the beekeeper will be eligible to receive an indemnity payment.

§ 760.104 Application for payment.

(a) The beekeeper or his legal representative shall complete, sign, and file an application for payment, Form ASCS–448 with the ASCS county office serving the area where the beekeeper's headquarters is located.

(b) Application for payment shall be filed not later than April 1 following the year in which the losses occurred. The application shall be postmarked not later than midnight April 1 of each such year. An application may be filed after the closing date if the county committee determines that the beekeeper was prevented from filing by such date because of illness or other reason beyond his control. The beekeeper should file only one application per year covering all losses occurring during each such calendar year.

(c) The application for payment shall be accompanied by the information required by §§ 760.105–760.109, and such other information as may be reasonably required to enable the county committee to determine the eligibility of the beekeeper to receive an indemnity payment.

§ 760.105 Proving loss of bees.

(a) A beekeeper shall submit to the county committee an executed Form ASCS–448, specifying the number of colonies destroyed, severely damaged and moderately damaged; the number of queen nuclei destroyed; and evidence of the loss of bees specified in paragraph (b) of this section.

(b) Such evidence shall be a written report by a State or county apiary inspector or ASCS personnel who has observed this loss. Any report under this paragraph shall:

(1) Describe the losses of bees which he has observed.

(2) Give full information regarding the loss, including but not limited to the following:

(i) Extent of loss (number of colonies destroyed, severely damaged or moderately damaged and number of queen nuclei destroyed);

(ii) Date of loss;

(iii) Location of apiary.

(3) Be completed, signed, and dated within a reasonable time following the loss as determined by the county committee.

(c) If the report required by paragraph (b) of this section is based on inspections of only a sample of the colonies in an apiary, the following guidelines shall be substantially compiled with in selecting the samples of colonies to be examined:

(1) Count the colonies in the apiary.

(2) Select the colonies to be included in the sample from all areas of the apiary so as to assure that the sample is representative of conditions in the apiary as a whole. Colonies to be inspected should be selected at random to assure an accurate determination of the extent of loss in the apiary.

(3) Open and thoroughly inspect at least the specified number of colonies for the applicable size of apiary.

Apiary of 1–15 colonies, all colonies.
Apiary of 16–75 colonies, 15 colonies.
Apiary of more than 75 colonies, 20 percent of the colonies.

(d) No change in the degree of loss of bees which occurs after November 1 each year will be recognized and no payment will be made for any loss of queen nuclei which occurs between October 1 and December 31 each year.

§ 760.106 Proving utilization of pesticides.

A beekeeper shall submit to the county committee evidence that the loss of his bees occurred as a result of the utilization of pesticides near or adjacent to his apiary. Such evidence may, include, but is not limited to:

(a) Reports of chemical tests performed on the bees which were killed.

(b) Records, signed statements, or official reports of pesticide applicators or farmers who either applied pesticides or contracted for their application within the normal forage range of the beekeeper's bees.

(c) Records, signed statements, or official reports of representatives of local canneries or pesticide vendors who supplied pesticides which were used within the normal forage range of the beekeeper's bees.

(d) Records, signed statements, or official reports of local, State or Federal governmental agencies or colleges and universities having verified information with respect to the application of pesticides in the locality where the beekeeper's apiaries were located.

(e) Certification by the person that inspected the bees for pesticide damage that the loss resulted solely from pesticides and not caused by disease, starvation, or neglect.

§ 760.107 Proving nonfault.

A beekeeper shall submit to the county committee (a) a statement signed by the beekeeper stating whether or not he used pesticides, and (b) if he did use pesticides, evidence that his use thereof in no way contributed to the loss of his bees.

§ 760.108 Proving reasonable care.

A beekeeper shall submit to the county committee evidence that he exercised reasonable care in connection with the use of pesticides by others. Such evidence shall consist of, but is not limited to, written statements signed by the beekeeper:

(a) Stating whether or not he received advance notice that pesticides were going to be applied near or adjacent to his apiary.

(b) Describing what actions he took (if he received such notice) to protect his bees from pesticides, or why there was no suitable action he could take.

(c) Describing what steps he took, after exposure of his bees to pesticides, to improve the condition of his colonies and to reduce the extent of bee loss, or why there were no suitable steps he could take.

§ 760.109 Computation of payment.

(a) The county committee will determine the amount of the indemnity payment due a beekeeper whom it has determined to be in compliance with the terms and conditions of this subpart. Such payment shall be in the amount of the beekeeper's net loss from losses of his bees resulting from application of pesticides, less any indemnification for the loss of his bees or payment of any nature which the beekeeper has received through insurance, legal action, or otherwise. The beekeeper's indemnity payment will be computed on the basis of the following rates for losses which occurred since January 1, 1974:

(1) $22.50 for each colony destroyed.

(2) $15.00 for each colony severely damaged,

(3) $7.50 for each colony moderately damaged, and

(4) $7.50 for each queen nucleus destroyed.

(b) Only one payment will be made on a colony for losses occurring during a given calendar year. If more than one loss is suffered by a colony, the beekeeper may claim payment on the most severe loss suffered.

§ 760.110 Appeals.

The Appeal Regulations issued by the Administrator, ASCS, Part 780 of this chapter, shall be applicable to appeals by beekeepers from determinations made pursuant to the regulations in this subpart.

§ 760.111 Assignments.

A beekeeper shall not assign any indemnity payment due or to come due under the regulations in this subpart.

§ 760.112 Instructions.

DAP shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in this subpart. Beekeepers may obtain such forms, including the following, from the ASCS county office.

ASCS-448-Beekeeper Indemnity Payment Program Report of Loss on a Colony Basis and Application for Payment.

§ 760.113 Limitation of authority.

(a) County executive directors and State and county committees do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(b) The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee when such action has not been taken by the county committee. The State committee may also (1) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the regulations in this subpart.

(c) No delegation herein to a State or county committee shall preclude DAP or his designee from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee.

§ 760.114 Estates and trusts; minors.

(a) A receiver of an insolvent debtor's estate and the trustee of a trust estate shall, for the purposes of this subpart, be considered to represent an insolvent beekeeper and the beneficiaries of a trust, respectively, and the honeybee losses of the receiver or trustee shall be considered to be the honeybee losses of the persons he represents. Program documents executed by any such person will be accepted only if such person has authority to sign the applicable documents, and such documents are otherwise legally valid.

(b) A minor who is a beekeeper shall be eligible for indemnity payments only if he meets one of the following requirements; (1) The rights of majority have been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable program documents are signed by the guardian; or (3) a bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had he been an adult.

§ 760.115 Setoffs.

(a) If any indebtedness of the beekeeper to any agency of the United States is listed on the county claims control record, indemnity payments due the beekeeper under the regulations in this part shall be applied, as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(b) Compliance with the provisions of this section shall not deprive the beekeeper of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 760.116 Overdisbursement.

A beekeeper shall be personally liable for repayment of the amount by which any indemnity payment disbursed to him exceeds the amount of such payment authorized under the regulations in this subpart.

§ 760.117 Death, incompetency, or disappearance.

In the case of the death, incompetency, or disappearance of any beekeeper who is entitled to an indemnity payment, such payment may be made to the person or persons specified in the regulations contained in Part 707 of this chapter. The persons requesting such payment shall file Forms ASCS-325, "Application For Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," as provided in that part.

§ 760.118 Records, and inspection thereof.

The beekeeper, and any other person who furnishes information to such beekeeper or to the county committee to enable the beekeeper to receive an indemnity payment under this subpart, shall maintain any books, records, and accounts supporting any information furnished to the county committee, for 3 years following the end of the year during which the application for payment was filed. The beekeeper or any other person who furnishes such information to the beekeeper or to the county committee shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine, and make copies of such books, records, and accounts.

NOTE: The reporting and/or recordkeeping requirement contained herein has been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[FR Doc.74-12950 Filed 6-5-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 468]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period

June 7–13, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia oranges prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.768 Valencia Orange Regulation 468.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valenica oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be good. Prices f.o.b. averaged $3.63 per carton on a reported sales volume of 895 carlots last week, compared with an average f.o.b. price of $3.64 per carton and sales of 917 carlots a week earlier. Track and rolling supplies at 674 cars were down 28 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 4, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 7, 1974, through June 13, 1974, are hereby fixed as follows:

(i) District 1: 513,000 cartons;

(ii) District 2: 387,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 5, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-13173 Filed 6-5-74;11:27 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

On April 18, 1974, there was published in the FEDERAL REGISTER (39 FR 13891) a notice of proposed rule making concerning proposed amendments to the tobacco loan program to provide (1) in the case of flue-cured tobacco, removal of compliance with acreage allotments as a condition of producer eligibility for advances and (2) increasing the fee which may be withheld from producers' advances for overhead costs of their associations from 25¢ per hundred pounds to $1 per hundred pounds. Interested persons were afforded an opportunity to file data views and recommendations thereon. Only one response was received. That response opposed the increase of the feed withheld for associations overhead expenses on the basis that farmers' production costs are increased and the tobacco program costs are modest as compared with price support program costs of other commodities. This is not considered an adequate basis for foregoing the increase and the proposed amendments are hereby adopted without change.

In addition to amending the appropriate sections to effect the proposed amendments, various other sections are hereby amended to remove obsolete provisions and to make certain editorial changes to clarify the language therein. Accordingly, Subpart A—Tobacco Loan Program of this part is hereby revised and reissued.

Subpart A—Tobacco Loan Program

Sec.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); secs. 101 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423).

Subpart A—Tobacco Loan Program

§ 1464.1 Administration.

(a) This program will be administered by the Tobacco and Peanut Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations (hereinafter referred to as "associations") acting for groups of producers. To obtain a loan, an association must enter into a loan agreement with CCC, which agreement will set forth terms and conditions prescribed by CCC. To the extent provided in the loan agreement, an association shall meet the eligibility requirements for price support prescribed in Cooperative Marketing Associations Eligibility Requirements for Price Support (Part 1425 of this chapter), as amended. CCC reserves the right to restrict the number of associations with which it will contract, and in so doing will select such associations as it deems necessary or desirable to effectuate the purposes of this program with a maximum of efficiency and economy of operation. The names of such associations may be obtained from the Tobacco and Peanut Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Each year CCC will make loans to associations and the associations in turn

will make price support advances available to eligible producers either directly or through auction warehouses. The tobacco on which producers receive price support advances will be pledged as security for the loans. Loans made to associations will include not only the initial loan value of the tobacco, but also amounts to cover costs of receiving, processing, storing, and selling tobacco pledged as security for the loan, including that part of overhead costs not borne by the association pursuant to § 1464.4. Associations will be authorized to enter into contracts for these services through the usual trade channels.

§ 1464.2 Availability of price support.

(a) Subject to the provisions of paragraphs (c), (d), and (e) of this section, price support will be available for any crop of each of the following kinds of tobacco, if producers have not disapproved marketing quotas for such crop:

Flue-cured tobacco, types 11, 12, 13, and 14.
Kentucky-Tennessee Fire-cured tobacco types 22 and 23.
Virginia Fire-cured tobacco, type 21.
Virginia Sun-cured tobacco, type 37.
Dark Air-cured tobacco, types 35 and 36.
Burley tobacco, type 31.
Maryland tobacco, type 32.
Cigar filler tobacco, type 41.
Cigar filler and binder tobacco, types 42, 43, 44, 53, 54, and 55.
Puerto Rican tobacco, type 46.
Cigar binder tobacco, types 51 and 52.

(b) No price support will be available for any kind of tobacco for any year for which marketing quotas have been disapproved by growers.

(c) No price support will be available for tobacco on which pesticides containing DDT and TDE, as defined in Parts 724 and 725 of Chapter VII of this title, have been used in the field or after harvest.

(d) No price support will be available on Flue-cured or Burley tobacco which exceeds 110 percent of the effective farm marketing quota for the year in which marketed.

(e) Price support to eligible producers will be made available on eligible tobacco in the following manner:

(1) Through auction warehouses. (i) Price support will be available for tobacco offered for auction sale at auction warehouses which have contracted with an association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses to be displayed and offered for sale at auction. The association's contracts with auction warehouses will require the auction warehouses to see that producers are informed that price support advances are available on each basket of tobacco in the auction when the final bid is less than one bid above the advances available to eligible tobacco. For Flue-cured and Burley tobacco the associations' contracts with auction warehouses will also require the auction warehouse to mark any tobacco sale bill "No Price Support" if the marketing of the pounds of tobacco covered by that bill will result in the producer marketing in excess of 110 percent of his effective farm marketing quota. Producers will generally receive the price support advances from the warehouseman for any tobacco to be consigned to the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman will, in turn, be reimbursed by the association with funds borrowed from CCC.

(ii) Price support will be available only at warehouses where tobacco inspection service is provided by the Consumer and Marketing Service, USDA. Inspection and price support services may be extended to new markets or to additional sales on established markets in accordance with this part and Subpart A of Part 29 of this title which provides for formal public hearing prior to extension of additional services.

(iii) CCC reserves the right to direct the association to withhold a contract under the price support program from any auction warehouse for one or more years if, based on previous performance of similar contracts, or other evidence, there is substantial reason to expect that such warehouse will not fulfill the contract obligations.

(2) For flue-cured tobacco offered for sale at auction warehouses, price support will be available only on tobacco which has been designated for sale at specific warehouses by the producer under the following conditions:

(i) *Definition.* "Producer" as used in this subparagraph means the person who was issued the tobacco marketing card pursuant to Part 725 of this title.

(ii) *Producer designation of warehouses.* Producers will be required, as a condition of price support, to designate the warehouses at which they will market their tobacco. Such designations may be at any warehouse or warehouses in any market within a radius of 100 miles from the county seat of the county in which the farm is located, or if such farm is physically within two counties, then from the county seat of the county in which the county ASCS office administering that farm is located. To the extent that there are less than eight markets within such radius, any warehouse or warehouses in any of the eight markets nearest to the county seat may be designated. A producer may obtain price support only in a warehouse he has designated, and at each such warehouse only with respect to the quantity of tobacco he designated for sale at such warehouse.

(iii) *When producer designations shall be made.* Producer designations of the warehouse or warehouses at which they will market their tobacco shall be made each year during a period which shall be announced by the county ASCS office in their county prior to the start of the period. Such period shall be prior to May 31 each year, except for the 1974 crop, such period shall be prior to June 15. Producers who lease quota after such period may designate the warehouse at which the leased pounds will be marketed at the time the lease is filed at the county ASCS office. During the five workdays ending on the first Friday of each calendar month after any flue-cured marketing area has opened for inspection and sale of tobacco, producers in any part of the flue-cured production area may change their designations with respect to that portion of their tobacco then remaining to be marketed. Producers who have designated warehouses which cease to operate or cease to have tobacco inspection or price support available may change their designations of such warehouses at any time subsequent to such occurrences.

(iv) *Form and content of designations.* A designation shall be made by each producer for each warehouse at which he desires to market his tobacco by executing a form provided by the county ASCS office. The producer will be required to indicate on such form the name of the warehouse or warehouses designated by him and the pounds of flue-cured tobacco he desires to sell at each such warehouse as well as any other information requested on such form.

(v) *Issuing warehouse designation card.* The county ASCS office shall execute and furnish the producer a warehouse designation card for each warehouse which the producer designates. Changes in designation by the producer shall be accomplished by the producer returning his warehouse designation card to the county ASCS office and requesting the transfer of any unmarketed pounds of flue-cured tobacco shown on any warehouse designation card to a warehouse designation card for another eligible warehouse or warehouses.

(vi) *Use of warehouse designation cards by warehouses.* (*a*) The warehouse shall enter on the warehouse designation card the date of sale and the pounds of that producer's tobacco sold as well as any other information requested from the warehouse on such card; (*b*) A separate sale bill marked "No Price Support" shall be prepared for that quantity of tobacco weighed in that is in excess of the pounds designated as shown on the warehouse designation card; (*c*) The warehouse shall mark "No Price Support" on the sale bill for any tobacco for which the producer failed to present the warehouse a warehouse designation card.

(vii) *Availability of designation information.* Each county ASCS office shall send all designations received to the Flue-Cured Tobacco Cooperative Stabilization Corporation, Raleigh, North Carolina, following each designation period and each period for changing designations. That corporation shall inform the Flue-Cured Tobacco Advisory Committee of the pounds designated to each warehouse and the pounds of any undesignated tobacco which, for the purpose of recommending opening dates and selling schedules in accordance with Part 29 of this title, is available for apportioning for sale at each warehouse. That corporation also shall furnish each warehouse the name and address of the producers who designated the warehouse,

the pounds each designated and the pounds which represent 110 percent of the marketing quota of each such producer.

(viii) *Failure to comply with opening date and selling schedule by warehouses.* If on any sales day a warehouse sells tobacco in excess of that allowed by the opening date and selling schedule issued in accordance with Part 29 of this title, such excess amount shall be deducted from the quantity of tobacco authorized to be sold at that warehouse on either of the following two sales days. If such reduction in quantity of tobacco sold is not made by the warehouse within such two days, no tobacco inspection or price support shall be made available at such warehouse on the next succeeding sales day.

(3) Upon direct delivery to the Association:

(i) Eligible producers in nonauction market areas may deliver eligible tobacco to central receiving points designated by the appropriate association. Eligible producers in auction market areas who have eligible tobacco which is security for a farm storage loan obtained pursuant to Part 1421 of this chapter may, after the close of all auction markets for such kind of tobacco, including cleanup sales, deliver the tobacco to central receiving points designated by the appropriate association. After the tobacco has been graded by USDA inspectors, the producer will receive the price support advance directly from the association for any tobacco to be pledged as security for loans.

(ii) Eligible producers of flue-cured and burley tobacco may, subject to the provisions of this subdivision, obtain price support on eligible tobacco which has been packed for their account by the association and carried over from one marketing year to another to avoid marketing in excess of farm marketing quota. Price support advances obtained on such packed tobacco shall be at the rates in effect at the time of tender for loan, and on the basis of grades and quantities of the tobacco as determined at the time of delivery to the association for packing and carryover. If all the tobacco packed from the tobacco delivered to the association for packing and carryover is not tendered for price support, or if the packed tobacco tendered for price support is commingled tobacco of different producers, the price support advances will be computed as follows: For each packed grade of tobacco, the loan value will be computed on the basis of (*a*) the total pounds of each green grade used in processing the packed quantity and (*b*) the grade loan rates applicable to such green grades. Loan advances may be obtained on the quantity of each packed grade tendered for price support in an amount equal to the loan value so determined, multiplied by the percentage which the pounds of the packed grade tendered is of the total packed weight of such grade. An individual producer's share of the loan advance obtained on the tender of any quantity of a packed grade shall be a percentage of such advance equal to the percentage which the loan value of all the tobacco delivered by the producer for packing and carryover is of the loan value of all the tobacco delivered by all producers for packing and carryover. Packed tobacco tendered for price support shall be in sound and merchantable condition and shall have been processed and packed under the standards and specifications which were applied to the tobacco received for price support during the immediately preceding crop year. Prior to tendering packed tobacco for price support, the association shall determine what percentage of the tobacco which was received for packing and carryover is eligible. The packed tobacco tendered for price support shall not be a greater percentage of the total quantity packed than the percentage so determined.

(4) Period of price support. Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided. For the purpose of this subpart, the normal marketing season for tobacco which is security for a farm storage loan and which is delivered directly to the association will include the date on which the producer is directed, pursuant to Part 1421 of this chapter, to so deliver the tobacco. Such date will be soon after the close of all markets, including cleanup sales, for the kind of tobacco delivered.

§ 1464.3 Level of price support.

The level of price support of eligible producers shall be as required by statute. For each crop of any kind of tobacco the level of price support shall be determined by multiplying the support level of the 1959 crop or, if marketing quotas were disapproved for the 1959 crop, the level at which the 1959 crop would have been supported if marketing quotas had been in effect, by the ratio of (a) the average index of prices paid by farmers, as defined in section 301(a)(1)(C) of the Agricultural Adjustment Act of 1938, for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (b) the average index of such prices paid by farmers for the 1959 calendar year. Generally, the price support level for each kind of tobacco will be announced soon after the beginning of each calendar year. Schedules of loan rates, by types and grades for each kind of tobacco will be announced as supplements to this statement before the opening of the markets. Flue-cured tobacco of varieties Coker 139, Coker 140, Coker 316, Reams 64, and Dixie Bright 244, or a mixture or strain of such seed varieties or any breeding line of Flue-cured tobacco seed varieties, including, but not limited to, 187 Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244 will be supported at one-half the support rate, plus 50 cents, for comparable grades of acceptable varieties.

§ 1464.4 Deductions from advances.

(a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas may charge the producer a fee of $1 per hundred pounds and may make such other charges as may be authorized or approved by CCC. In the nonauction market areas, the fee will be established at a rate commensurate with the services performed by the associations. Such fees and charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with auction warehousemen under which they will collect such charges and remit to the associations.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the Claim Control Record, Form ASCS-604, the Government will effect collection of the amount of the indebtedness by setoff from the amount of price support advance due the producer in the following manner: Any marketing card covering tobacco eligible for price support issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas (Parts 724 and 725 of this title) will bear a notation showing the indebtedness, the name of the debtor and the amount of the indebtedness. The acceptance and use of a marketing card bearing a notation of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(c) If any producer is indebted to the United States for a farm storage loan obtained pursuant to Part 1421 of this chapter, the principal amount of such loan will be deducted from the price support advance paid the producer by the association and will be applied to repayment of the farm storage loan.

§ 1464.5 Interest rate and general provisions.

The loans made to the associations will bear interest at the rate announced by CCC for each crop and will be nonre-

course both as to principal and interest except in the case of misrepresentation, fraud or failure to carry out the loan agreement. In instances where the loan to the association is made on a quantity of tobacco on which a farm storage loan had been made, any unpaid interest applicable to the farm storage loan on such quantity of tobacco will not be collected from the producer who obtained the farm storage loan but will be added to the accrued interest of the loan made to the association. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged as security for the loan. Associations will sell the loan tobacco as provided in the loan agreements for each crop, and the net proceeds of sales of the loan collateral of each crop will be applied to the loan account for such crop until the loan is repaid in full. If the proceeds from the sale of the loan collateral of any crop exceed (a) the amount of the loan plus all fees, handling charges, operating costs and interest; and (b) any amount due CCC under a barter transfer agreement entered into between CCC and the association, such excess shall constitute "net gains" and shall be distributed in cash by the association to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

§ 1464.6 Maturity date.

Loans made under the program will mature on demand.

§ 1464.7 Eligible producer.

(a) All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is not under U.S. marketing quotas. All producers of any kind of tobacco for which marketing quotas have been terminated are eligible producers during the periods for which the terminations are effective. Any producer of another kind of tobacco is an eligible producer if, under the applicable regulations of the Secretary of Agriculture with respect to tobacco marketing quotas and acreage allotments for the applicable marketing year, a marketing card has been issued for his farm which does not bear the words, "No Price Support," or which, if for other than Flue-Cured or Burley tobacco, is designated a "Within Quota" marketing card. In general, the marketing quota regulations provide for the issuance of marketing cards which do not bear the words "No Price Support" and which, if for other than Flue-Cured or Burley tobacco, are designated "Within Quota" marketing cards, where (1) pesticides containing DDT and TDE have not been used on the tobacco in the field or after being harvested, (2) tobacco is not produced on land owned by the Federal Government in violation of a lease restricting the production of tobacco, and (3) the farm is in compliance with the provisions of Part 718 of this title with respect to acreage allotments, disposition of any excess acreage and certifications, except that (i) in the case of flue-cured tobacco, which is under acreage-poundage quotas, the acreage may exceed the allotment, and (ii) for other kinds of tobacco, the acreage may exceed the allotment by not more than any applicable tolerance prescribed in Part 718.

(b) Marketing quota cards issued pursuant to the Agricultural Adjustment Act of 1938 as amended, when utilized for the purpose of obtaining price support under this subpart, are submitted, and the data in support thereof is reported, under the Agricultural Act of 1949, as amended, and may be utilized as CCC deems necessary or desirable for the conduct of the price support program.

§ 1464.8 Eligible tobacco.

Eligible tobacco shall be United States and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) is of a kind and crop for which price support is available; (b) if marketing quotas are in effect, has been properly identified in accordance with the applicable tobacco marketing quota regulations by (1) a marketing card which does not bear the words "No Price Support", and (2) if other than Flue-cured or Burley tobacco, a marketing card which is designated a "Within Quota" marketing card; (c) if Puerto Rican tobacco, or tobacco of a kind for which marketing quotas have been terminated, is tobacco for which the association has received a certification by the producer that pesticides containing DDT and TDE, as defined in Parts 724 and 725 of this title, were not used on the tobacco in the field or after harvest; (d) if Flue-cured tobacco or Burley tobacco, (1) is offered for marketing on a tobacco sale bill which is not marked "No Price Support," and is for a number of pounds which, when added to the pounds of Flue-cured or Burley tobacco previously marketed on that year's marketing card, does not exceed 110 percent of the effective farm marketing quota for that year; or (2) is delivered directly to the association and is a quantity which, when added to the previous marketings on such card, does not exceed 110 percent of the effective farm marketing quota for that year; (e) if flue-cured tobacco which was delivered to the association through an auction warehouse, is a quantity which, when added to previous marketings of that producer at that warehouse, does not exceed the quantity designated by the producer for marketing at that warehouse; (f) has been delivered to the association by the producer, either directly or through an auction warehouse, prior to sale to any other person; (g) has been delivered to the association by the producer, either directly or through an auction warehouse, in lots identified by not more than one marketing card for each lot; (h) is in sound and merchantable condition; (i) was not produced on land owned by the Federal Government, but this prohibition shall not apply (1) to a former owner who has enjoyed uninterrupted possession of the land or (2) during the current (non-renewed) term of any lease executed prior to March 22, 1973, to the extent that the lease permits the production of tobacco.

§ 1464.9 Auction warehouse certification of flue-cured tobacco.

Auction warehouses through which price support is made available to producers of Flue-cured tobacco shall identify, through the use of "certified" basket tickets, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to be of varieties eligible for full price support. A distinguishably different type of basket ticket shall be used for all other tobacco offered for sale at auction. In the case of producer tobacco, the warehouseman shall examine the marketing card prior to the time the tobacco is offered for sale, record the marketing card serial number on the tobacco sale bill, and shall use certified basket tickets on the tobacco only if the marketing card presented does not bear the words "Discount Variety." In the case of resale tobacco (tobacco which has previously been sold by the producer), the tobacco Marketing Quota Regulations provide that, when the State Executive Director, ASCS, determines there is a significant amount of discount variety tobacco available for marketing in any marketing year, he may require tobacco which is eligible for full price support to be covered by a Form MQ 79–1, Dealer's Certification—Resale Tobacco, unless its eligibility for full price support is determined by the State Executive Director or his representative. When notified by the State Executive Director that this requirement is in effect, the warehouseman shall not use a certified basket ticket for resale tobacco unless he has obtained Form MQ 79–1, properly executed by the seller, or unless the State Executive Director has determined that the tobacco is eligible to be so identified. The Form MQ 79–1 Dealer's Certification-Resale Tobacco contains a certification by the seller to the USDA and the warehouse that the tobacco offered for sale and all other resale tobacco in which the dealer has an interest was purchased directly from the producer and was identified by a marketing card not bearing the words "Discount Variety" or was purchased by him at auction sale through a warehouse having price support available to producers and was identified by a certified basket ticket. Properly executed Dealer's Certification-Resale Tobacco shall be furnished to the USDA representative stationed at the warehouse prior to the sale of the tobacco, with a copy to the warehouse. Where the State Executive Director notifies the warehouse that the certifications of any dealer are not acceptable for this purpose, the Dealer's certification shall not be used by the warehouse as a basis for a "certified" basket ticket. Such notice will be given to all warehouses having price support available to producers if a dealer is found to have made a false certification, or if a dealer fails to file reports required by applicable marketing quota regulations. In the latter case, the notice will be rescinded when the dealer files the reports if they show that he has not made false certifications with respect to identification

of full support variety tobacco. Dealers making false certifications, or producers using marketing cards other than the one issued for the farm on which the tobacco was produced, to obtain use of certified basket tickets for tobacco not entitled to such identification, shall be subject to applicable provisions of law relating to conspiracy, fraud, or other offenses, and to penalties imposed by applicable marketing quota regulations. A dealer who has full support variety resale tobacco for which the Dealer's Certification cannot properly be executed because such tobacco or other tobacco in which he has an interest was acquired other than as the certification form provides, or a dealer whose certifications have been determined to be unacceptable, may have full support variety tobacco identified on a "certified" basket ticket through application to the State Executive Director. In such instances, if by examination of the marketing quota records and other evidence, the Director determines that the tobacco is of a full support variety, a special authorization will be given for the warehouses to identify the tobacco on a "certified" basket ticket.

Effective date: June 6, 1974.

Signed at Washington, D.C. on May 31, 1974.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 74-12926 Filed 6-5-74; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

Subchapter E—Account Servicing

[FmHA Instruction 451.5]

PART 1861—ROUTINE

Subpart F—Servicing of Community Program Loans and Grants

SALE AND TRANSFER OF SECURITY PROPERTY

Sections 1861.84 and 1861.85 of Subpart F of 7 CFR Part 1861 (37 FR 15502), are amended to clarify the Farmers Home Administration policies regarding the sale and transfer of security property for less than the total indebtedness owed. Pursuant to a notice published in the FEDERAL REGISTER on April 24, 1974 (39 FR 14499), the abbreviation for the Farmers Home Administration is now FmHA instead of FHA. This document has been amended to reflect that change. Since the changes are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In § 1861.84 a new paragraph (a) is added and former paragraphs (b) through (d) are hereby redesignated (b) through (e). As amended, § 1861.84(a) reads as follows:

§ 1861.84 Sales of exchange of security property.

(a) *General.* In those cases where a substantial loss to the Government will result from the sale, or the prospective buyer is a member or members of the borrower's organization, the state director will forward all pertinent information regarding the sale such as, name of borrower, total balance owed FmHA, proposed sale price including terms and conditions, anticipated sale date, name of purchaser and present market value of the property to the National Office prior to making any commitment. It is not FmHA's policy to sell security property to a member or members of the borrower's organization at a price which will result in a loss to the Government.

* * * * *

As amended, § 1861.85(a) reads as follows:

§ 1861.85 Transfer of security and assumption of loans.

(a) *General.* In those cases where a substantial loss to the Government will result from a transfer and assumption or the prospective transferee is a member or members of the present borrower's organization, the state director will forward all pertinent information regarding the transfer such as, name of the borrower, total balance owed FmHA, proposed transfer price including terms and condition, anticipated transfer date, name of prospective transferee and the present market value of the property, to the National Office prior to making any commitment. It is not FmHA's policy to transfer security property to a member or members of the borrower's organization at a price which will result in a loss to the Government. Transfer and assumption may be approved subject to the following conditions:

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 2942); delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Effective date. This revision shall become effective June 6, 1974.

Dated: May 13, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-12949 Filed 6-5-74;8:45 am]

CHAPTER XXVI—OFFICE OF INVESTIGATION, DEPARTMENT OF AGRICULTURE

PART 2620—AVAILABILITY OF INFORMATION TO THE PUBLIC

Nomenclature Change

Chapter XXVI of 7 CFR is hereby amended (39 FR 7575, 2-27-74), replacing all references to "Assistant Director, Evaluation, OI" with "Assistant Director, Information, Research, and Development, OI."

Effective June 6, 1974.

Signed at Washington, D.C., this 31st day of May, 1974.

JOHN V. GRAZIANO,
Director.

[FR Doc.74-12940 Filed 6-5-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1464]

FLUE-CURED TOBACCO

Grade Loan Rates for Price Support on 1974-Crop Tobacco

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1974-crop flue-cured tobacco.

Consideration will be given to data, views and recommendations pertaining to the grade loan rates set out in this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than June 21. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Under the Tobacco Loan Program published in this part, CCC proposes to establish loan rates by grades for the 1974-crop flue-cured tobacco, types 11–14, as set forth herein. These proposed rates, calculated to provide the level of support of 83.3 cents per pound as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) are as follows:

§ 1464.16 1974 Crop—Flue-cured tobacco, types 11–14, loan schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Loan rate	Grade	Loan rate
A1F	106	B2F	95
A2F	104	B3F	92
B1L	100	B4F	90
B2L	95	B5F	88
B3L	92	B6F	84
B4L	90	B1FR	99
B5L	88	B2FR	94
B6L	84	B3FR	91
B1F	100	B4FR	88
B5FR	86	H3FR	92
B6FR	82	H4FR	89
B3R	82	H5FR	86
B4R	77	H6FR	83
B5R	72	H4K	88
B6R	68	H5K	85
B3K	88	H6K	81
B4K	85	C1L	98
B5K	82	C2L	96
B6K	78	C3L	94
B3LV	90	C4L	92
B4LV	86	C5L	91
B5LV	83	C1F	98
B3FV	90	C2F	96
B4FV	86	C3F	94
B5FV	83	C4F	92
B3LS	86	C5F	91
B4LS	83	C4LV	91
B5LS	80	C4FV	91
B6LS	74	C4LS	89
B3FS	85	C5LS	86
B4FS	82	C4KL	89
B5FS	79	C4KF	89
B6FS	73	C4KM	89
B3KL	81	C4KR	91
B4KL	79	X1L	94
B5KL	76	X2L	92
B6KL	71	X3L	91
B3KF	80	X4L	89
B4KF	78	X5L	85
B5KF	75	X1F	94
B6KF	70	X2F	92
B3KM	84	X3F	91
B4KM	82	X4F	89
B5KM	79	X5F	85
B6KM	74	X3LV	88
B3KR	87	X4LV	85
B4KR	84	X3FV	88
B5KR	81	X4FV	85
B4KV	81	X3LS	88
B5KV	76	X4LS	84
B6KV	72	X3FS	86
B5RR	69	X4FS	83
B4GL	83	X4KL	84
B5GL	80	X4KF	84
B6GL	75	X4KV	82
B4GF	82	X3KM	88
B5GF	78	X4KM	84
B6GF	74	X4KR	88
B4GR	76	X4G	81
B5GR	70	X5G	76
B6GR	65	X4GK	80
B4GK	78	P2L	89
B5GK	73	P3L	87
B6GK	69	P4L	85
B5RG	66	P5L	81
B4GG	69	P2F	89
B5GG	65	P3F	87
H1L	98	P4F	85
H2L	95	P5F	81
H3L	93	P4G	77
H4L	91	P5G	71
H5L	89	N1L	73
H6L	85	N1XL	77
H1F	98	N1K	74
H2F	95	N1R	65
H3F	93	N1GL	67
H4F	91	N1GF	67
H5F	89	N1GR	62
H6F	85	N1GG	57

Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2", "No-G" or "scrap" will not be accepted. The cooperative association through which advances are made available is authorized to deduct $1 per hundred pounds to apply against overhead costs.

Effective date: June 6, 1974.

Signed at Washington, D.C., on May 31, 1974.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-12927 Filed 6-5-74;8:45 am]

[1] The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support". Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the loan rates listed plus fifty cents ($0.50) per hundred pounds. Tobacco is eligible for advance only if consigned by the original producer.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Child Development

[45 CFR Part 1303]

HEAD START DELEGATE AGENCIES

Appeal Procedures, Opportunity To Show Cause and Hearings; Proposed Rulemaking

In the matter of procedures for appeals for Head Start delegate agencies in cases of denial of or failure to act on applications for funding and refunding by grantees, for opportunities to show cause to grantees in cases of suspension of financial assistance or denial of application for refunding by OCD, and for hearings for grantees in cases of termination of financial assistance by OCD.

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to issue regulations prescribing procedures for special notice and opportunity to appeal by agencies or organizations which would like to serve as delegate agencies of Head Start grantees, for reasonable notice and opportunity to show cause to Head Start grantees in cases of suspension of financial assistance or denial of application for refunding by OCD, and for full and fair hearings for Head Start grantees in cases of termination of financial assistance by OCD. The rights of these agencies or organizations to notice and opportunity to appeal (for delegate agencies) and to show cause, and to have a full and fair hearing (for grantees), are created by section 604 of the Economic Opportunity Act of 1964, 42 U.S.C. 2944. Section 604 requires that procedures be prescribed which assure these rights. For this purpose it is proposed to add Part 1303 to Chapter XIII, Subtitle B, Title 45, Code of Federal Regulations.

Proposed subpart B covers appeals by agencies or organizations which would like to serve as delegate agencies. It applies both to agencies or organizations which would like to continue to serve and to those which would like to begin to serve as delegate agencies. The appeal is from adverse action or inaction by a

Head Start grantee to, in most cases, the Regional Office official responsible for making the grant. Decision is based on written material submitted by the parties. In the case of current delegate agencies, as distinguished from prospective delegate agencies, there is a right to an informal meeting with the responsible OCD official, and to review of his decision by the Director, OCD. The decision will sustain the grantee unless it is determined that the grantee acted unfairly and did not have a rational basis for what it did.

Proposed Subpart C, Denial of Grantee's Application for Refunding, and proposed Subpart D, Suspension and Termination of Financial Assistance to Grantees, are adaptations of regulations promulgated by the Office of Economic Opportunity for programs it administers under titles I–D, II, and III–B of the Economic Opportunity Act, Part 1067 of 45 CFR Chapter X, Subtitle B.

Proposed Subpart C applies if OCD refuses to refund a grantee for circumstances related to the particular grant such as ineffective or improper use of Federal funds, failure to comply with applicable law, regulations, terms and conditions, or selection of another applicant or loss by the grantee of legal status or financial viability. Subpart C does not apply if the refusal to refund is based upon general policy. The proposed procedures provide opportunity for the submittal of written material, informal meeting with the responsible OCD official, and for the right to have an adverse decision by the responsible OCD official reviewed by the Director, OCD.

Proposed Subpart D applies if OCD suspends or terminates a grant for failure of a grantee to comply with applicable law, regulations guidelines, standards, instructions, assurances, terms and conditions, or for loss of legal status or financial viability. In cases of notice of intended suspension or summary suspension, which are for limited periods unless termination proceedings are begun, the proposed procedure gives the grantee opportunity to submit written material to, and meet informally with, the responsible OCD official. The grantee also is given the opportunity to correct deficiencies. In cases of termination the proposed procedure gives the grantee the opportunity for a full and fair hearing before an administrative law judge designated under 5 U.S.C. 3105. The administrative law judge would issue an initial decision which is subject to review by the responsible OCD official whose decision, in turn, is subject to review by the Director, OCD.

The proposed procedures give parties the right to be represented by counsel. Current delegate agencies and Head Start grantees are authorized to pay reasonable and customary legal fees and other expenses out of current operating funds.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed Part 1303 to the Acting Director, Office of Child Development, Department of Health, Education, and Welfare, 400 6th Street, SW., Washington, D.C. 20201, on or before July 8, 1974. All written submissions made pursuant to this notice will be made available for public inspection in Room 2030 of the Office of Child Development at the above address on Monday through Friday of each week from 9:00 a.m. to 5:30 p.m. (area code 202–755–7782).

(Catalog of Federal Domestic Assistance Programs No. 13.600, Child Development—Head Start)

Dated: May 30, 1974.

FRANK CARLUCCI,
Acting Secretary.

Subtitle B of 45 CFR Chapter XIII is amended by adding Part 1303 as follows:

PART 1303—PROCEDURES FOR APPEALS FOR HEAD START DELEGATE AGENCIES, AND FOR OPPORTUNITIES TO SHOW CAUSE AND HEARINGS FOR HEAD START GRANTEES

Subpart A—General

Subpart B—Appeals by Delegate Agencies

Subpart C—Denial of Grantee's Application for Refunding

Subpart D—Suspension and Termination of Financial Assistance to Grantees

AUTHORITY: Sec. 604, 78 Stat. 531, (42 U.S.C. 2944); sec. 602(n), 78 Stat. 530, (42 U.S.C. 2942(n)); Delegation of Authorities to Secretary of Health, Education, and Welfare, 34 FR 11398.

Subpart A—General

§ 1303.1–1 Purpose and application.

This part effectuates section 604 of the Economic Opportunity Act of 1964, as amended, as it applies to grantees and delegate agencies engaged in or wanting to engage in the carrying out of Head Start programs under section 222(a)(1) of that Act. It prescribes the procedures for appeals by current and prospective delegate agencies from specified adverse action by grantees; and the procedures for reasonable notice and opportunity to show cause in cases of intended or actual suspension of financial assistance and denial of refunding by OCD, and for a full and fair hearing for grantees in cases of termination of financial assistance by OCD.

§ 1303.1–2 Definitions.

As used in this part—

(a) The term "OCD" means the Office of Child Development in the U.S. Department of Health, Education, and Welfare, and includes regional staff.

(b) The term "responsible OCD official" means the official who is authorized to make the grant of assistance in question, or his designee.

(c) The term "Director" means the director of the Office of Child Development.

(d) The term "grantee" means the community action agency or other public or private non-profit agency which has been granted assistance by OCD to carry on a Head Start program.

(e) The term "delegate agency" means a public or private non-profit organization or agency to which a grantee has delegated the carrying on of all or part of its Head Start program.

(f) The term "current delegate agency" means a public or private non-profit agency which would like to continue to carry on all or part of the Head Start program of the grantee under an arrangement with and as delegate of the grantee.

(g) The term "prospective delegate agency" means a public or private non-profit agency or organization which would like to serve as a delegate agency.

(h) The term "program account" means the identification of a grouping of related program activities recognized by OCD which, as an individual grouping or in combination with another grouping or other groupings, constitutes the Head Start program for which a Head Start grantee is furnished Federal financial assistance, and which serves as a unit for planning, budgeting, administering, and reporting the grantee's Head Start program. Examples of program accounts are: Full Year Head Start—Part Day; Full Year Head Start—Full Day; Summer Head Start; Parent and Child Centers; and, Head Start Training and Technical Assistance.

(i) The term "substantial rejection" means that a grantee requires that the funding of a current or prospective delegate agency be reduced to 80 percent or less of the current level of operations or of the amount requested in the application; or that a grantee requires that a program account which has cost or which would cost at least 25 percent of the total cost of the Head Start program in question be eliminated or reduced to 80 percent or less of the current level of operations or of the amount requested in the application.

(j) The term "suspension" means any action by OCD temporarily suspending or curtailing assistance in whole or in part, to all or any part of a program, prior to the time that such assistance is concluded by the terms and conditions of the document in which such assistance is extended. It does not include the refusal to provide new or additional assistance.

(k) The term "termination" means any action by OCD permanently terminating assistance to all or any part of a program prior to the time such assistance is extended, but does not include the refusal to provide new or additional assistance.

§ 1303.1–3 Right to counsel, counsel fees, travel.

Parties to proceedings under this part, including OCD and delegate agencies which have the right to participate in informal meetings or termination hearings, have the right to be represented by counsel. If a party which is a delegate agency or a grantee does not have an attorney acting in that capacity as a regular member of its staff or on a retainer arrangement, such a party may designate an attorney to represent it in the proceedings and it may transfer sufficient funds from its current operating funds to pay the fees, travel, and per diem expenses of such attorney. The fees for such attorney shall be the reasonable and customary fees for an attorney practicing in the locality of the attorney. However, such fees shall not exceed $100 per day without the express written approval of the responsible OCD official. Travel and per diem expenses may be paid to such attorney from program funds in conformity with the Standard Government Travel Regulations. A delegate agency or a grantee also may designate two persons to attend and participate in proceedings under this part to which it is a party. Travel and per diem expenses may be paid to such persons from program funds in conformity with the Standard Government Travel Regulations.

§ 1303.1–4 Other remedies.

The procedures established by this part shall not be construed as precluding OCD from pursuing any other remedies authorized by law.

Subpart B—Appeals by Delegate Agencies

§ 1303.2–1 Appeal on notice of rejection or failure to act.

(a) A grantee shall give prompt, fair and adequate consideration to applications submitted by current or prospective delegate agencies to operate Head Start programs. It shall notify an applicant in writing within 30 days after receiving an application of its decision to reject it either wholly or substantially. The notice shall contain a statement of the reasons for the decision, and a statement that the applicant has a right to appeal the decision to the responsible OCD official in writing within 15 days after receipt of the notice.

(b) If a grantee fails to act upon the application of a current or prospective delegate agency to operate a Head Start program within 30 days after receiving the application, such agency has a right to appeal the grantee's failure to act in writing to the responsible OCD official within 15 days after the end of the 30 day period. In the case of a current delegate agency the failure of the grantee to act within 30 days after receiving the application shall be deemed to be a rejection.

§ 1303.2–2 Procedures for appeal by current delegate agency.

(a) Within 10 days after receiving the written appeal of a current delegate agency, the responsible OCD official will notify both parties, the appellant and the grantee, in writing that the appellant shall have the opportunity to submit written material to the responsible OCD official and to meet informally with him and the grantee to show cause why the application should not be denied; that the grantee shall have the opportunity to submit written material to the responsible OCD official and to be present at the informal meeting with him to support its decision on the appellant's application; that the time within which the parties shall submit the written material to the responsible OCD official shall be no later than 14 days after the notice by the responsible OCD official was mailed; and that the appellant may request, no later than 14 days after the notice by the responsible OCD official was mailed, the informal meeting with the responsible OCD official and the grantee. A copy of this subpart and Subpart A of this part will be included with the notice mailed by the responsible OCD official to the parties so that they may inform themselves of the nature of the written materials to be submitted, the opportunity for written rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The current delegate agency shall submit to the responsible OCD official a copy of the material it submitted to the grantee in, and in connection with, its application. It shall also submit to the responsible OCD official a written statement setting forth:

(1) Whether, prior to the grantee's decision or failure to act, the grantee advised the appellant of defects and deficiencies in its application or in the operation of its project, as appropriate.

(i) If so, when and how such advice was given.

(ii) If so, the defects and deficiencies called to the appellant's attention.

(2) Whether the grantee provided the appellant reasonable opportunity to correct the defects and deficiencies referred to in paragraph (b) (1) (ii).

(i) If so, details of the opportunity that was given.

(ii) If so, whether the grantee provided technical advice and consultation with respect to the correction of the defects and deficiencies.

(A) If the answer to paragraph (b) (2) (ii) is affirmative, describe the assistance provided; and

(B) Describe what the appellant did about correcting the defects and deficiencies.

(3) When and how the grantee notified the appellant of its decision.

(4) Whether the grantee told the appellant the reasons for its decision. If so, how such reasons were communicated to the appellant and what they were.

(5) If it is the appellant's position that the grantee acted arbitrarily or unfairly, the reason why the appellant takes this position.

(6) Any other facts and circumstances which the appellant believes will support its appeal.

(c) In connection with the appeal the grantee shall submit a written statement to the responsible OCD official setting forth:

(1) Whether, prior to rejection of the application, or the failure to act within 30 days after its receipt, the grantee advised the appellant of defects and deficiencies in the application or in the operation of the appellant's project, as appropriate.

(i) If so, when and how was such advice given.

(ii) If so, the defects or deficiencies called to the appellant's attention.

(2) Whether the grantee provided the appellant an opportunity to correct the defects and deficiencies referred to in paragraph (c).

(1) (ii).

(i) If so, details of the opportunity that was given.

(ii) If so, whether the grantee provided technical advice and consultation with respect to correction of the defects and deficiencies.

(A) If the answer to paragraph (c) (2) (ii) is affirmative, describe the assistance provided; and

(B) What the appellant did about correcting the defects and deficiencies.

(3) When and how the grantee notified the appellant of the decision.

(4) Whether the grantee told the appellant the reasons for the decision. If so, how such reasons were communicated to the appellant and, what they were.

(5) Why the grantee takes the position that it acted reasonably and fairly in arriving at its decision or in its failure to act.

(6) Any other facts and circumstances which the grantee believes will support its decision or its failure to act.

(d) At the time of submitting the written statement, each party shall furnish a copy of its statement to the other party.

(e) If the appellant does not request an informal meeting, each party shall have an opportunity to reply in writing to the written statement submitted by the other party. The written reply shall be submitted to the responsible OCD official within 10 days after the copy of the other party's written statement was mailed.

(f) If the appellant requests an informal meeting, the meeting will be scheduled by the responsible OCD official as soon as possible, but not sooner than 14 days after the written notice to

the parties was mailed by the responsible OCD official, unless the appellant and the grantee consent to an earlier meeting time. The responsible OCD official shall designate either the appropriate regional office or the place where the appellant or grantee is located as the place for holding the meeting.

§ 1303.2–3 Decision on appeal and review.

(a) The decision of the responsible OCD official will take into account the material submitted in writing and the information presented at the informal meeting. Unless it is found by the responsible OCD official that the grantee acted unfairly and did not have a rational basis for its decision or its failure to act, the grantee will be sustained. The decision of the responsible OCD official will be made within 5 days after the informal meeting. This decision, including a statement of the reasons therefor, will be in writing, and will be mailed immediately to the appellant and the grantee. If the decision is made on the basis of written materials only, the decision will be made within 14 days of the receipt of the materials.

(b) If the decision of the responsible OCD official sustains the decision or failure to act of the grantee, the appellant may, within 14 days of the date of mailing, make a written request for review of the decision by the Director, OCD. If the decision of the responsible OCD official does not sustain the decision or failure to act of the grantee, the grantee may, within 14 days of the date of mailing, make a written request for review of the decision by the Director, OCD. Upon such request by either party the Director, or his designee, will review the decision of the responsible OCD official, the written material submitted by the appellant and grantee, and a report of the information presented at the informal meeting, and, on the basis of this review, make the final decision. The decision of the grantee will be sustained unless it is found that it acted unfairly and without a rational basis for its decision or its failure to act. The final decision will be made no later than 30 days after receipt of the request for review. The Director will inform the appellant, the grantee, and the responsible OCD official in writing of the final decision and the reasons therefor.

§ 1303.2–4 Remedies.

(a) If the decision of the responsible OCD official does not sustain the grantee and there is no timely written request for review by the Director, OCD, or if the final decision does not sustain the grantee, the responsible OCD official will remand the application to the grantee for prompt consideration or reconsideration and decision in accordance with the criteria set forth in § 1303.2–3 (a) and (b) for decision on the appeal. The grantee shall report its decision and the reasons therefor in writing to the responsible OCD official within 10 days after the date of the remand. If the responsible OCD official finds that the grantee gave fair consideration to the application on remand and that its decision has a rational basis, the appeal will be dismissed. If the responsible OCD official finds that the grantee failed to give fair consideration to the application on remand and that its decision does not have a rational basis, or if the grantee fails to act within the 10 days, the responsible OCD official will entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible OCD official deems appropriate in the circumstances. If such an application is not approved, the responsible OCD official will take whatever action he deems appropriate in the circumstances.

(b) If without fault on the part of the appellant its operating funds are exhausted before its appeal has been decided, OCD will furnish sufficient funds for the maintenance of its current level of operations until a final decision has been reached.

§ 1303.2–5 Procedures for appeal by rejected prospective delegate agency.

(a) Within 10 day after receiving the written appeal of a rejected prospective delegate agency the responsible OCD official will notify both parties, the appellant and the grantee, in writing that they shall have the opportunity to submit written material in connection with the appeal; and that the time within which the written material shall be submitted to the responsible OCD official shall be no later than 14 days after the notice by the responsible OCD official was mailed. A copy of this subpart and Subpart A of this Part shall be included with the notice mailed by the responsible OCD official to the parties so that they may inform themselves of the nature of the written material to be submitted, the opportunity for written rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The appellant shall submit to the responsible OCD official copies of the material it submitted to the grantee in, and in connection with, its application. It shall also submit a written statement setting forth the same material by § 1303.2–2(b).

(c) In connection with the appeal the grantee shall submit a written statement to the responsible OCD official setting forth the same material required by § 1303.2–2(c).

(d) At the time of submitting the written statements, each party shall furnish a copy of its statement to the other party.

(e) Each party shall have an opportunity to reply in writing to the written statement submitted by the other party. The written reply shall be submitted to the responsible OCD official within 10 days after the copy of the other party's written statement was mailed.

§ 1303.2–6 Decision on appeal.

(a) The responsible OCD official may designate a person to review the written material and make a written recommended decision. The final decision will be made by the responsible OCD official no later than 14 days after the receipt of the written material.

(b) A person designated to review the written material and make a recommended decision or the responsible OCD official may ask either or both parties to submit additional written material. A copy of any such request shall be furnished to each party, and each party shall furnish a copy of any such additional written material to the other party.

(c) The recommended, if any, and final decisions will be based upon the written record resulting from the materials submitted by the parties. The decision of the grantee will be sustained unless it is found by the responsible OCD official that it acted unfairly and without a rational basis for its decision. The final decision of the responsible OCD official will be transmitted, in writing, immediately to the appellant and the grantee.

§ 1303.2–7 Remedies.

If the final decision does not sustain the grantee, the responsible OCD official will remand the application to the grantee for prompt consideration or reconsideration and decision in accordance with the criteria set forth in § 1303.2–3 (a) and (b) for decision on the appeal. The grantee shall report its decision and the reasons therefor in writing to the responsible OCD official within 10 days after the date of the remand. If the responsible OCD official finds that the grantee gave fair consideration to the application on remand and that its decision had a rational basis, the appeal shall be dismissed. If the responsible OCD official finds that the grantee failed to give fair consideration to the application on remand and that its decision did not have a rational basis, or if the grantee fails to act within the 10 days, the responsible OCD official will entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible OCD official deems appropriate in the circumstances. If such an application is not approved, the responsible OCD official will take whatever action he deems appropriate in the circumstances.

§ 1303.2–8 Procedures when grantee fails to act on application of prospective delegate agency.

(a) Within 10 days after receiving the written appeal based upon the failure of the grantee to act upon the application of a prospective delegate agency within 30 days, the responsible OCD official will notify both parties, the appellant and the grantee, in writing that they shall have the opportunity to submit written material in connection with the appeal; and that the time within which the written material shall be submitted to the responsible OCD official shall be no later than 14 days after the notice by the responsible OCD official was mailed. A copy of this subpart and sub-

part A shall be included with the notice mailed by the responsible OCD official to the parties so that they may inform themselves of the nature of the written material t obe submitted, the opportunity for written rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The appellant shall submit the following materials in writing to the responsible OCD official:

(1) Copies of the material it submitted to the grantee in, and in connection with, its application.

(2) A description of, or copies of, any communications, written or oral, between the appellant and the grantee during the 30 day period.

(3) Any other facts and circumstances which the appellant believes to be relevant to its appeal.

(c) The grantee shall submit the following materials in writing to the responsible OCD official:

(1) A description of, or copies of, any communications, written or oral, between the appellant and the grantee during the thirty day period.

(2) Any other facts and circumstances which the grantee believes to be relevant.

§ 1303.2–9 Decision on appeal.

(a) The responsible OCD official may designate a person to review the written material and make a written recommended decision. The final decision will be made by the responsible OCD official no later than 14 days after receipt of written material.

(b) The person, if any, designated to review the written material and make a recommended decision or the responsible OCD official may ask either or both parties to submit additional written material. A copy of any such request shall be furnished to each party, and each party shall furnish a copy of any such additional written material to the other party.

(c) The recommended and final decisions will be based upon the written record resulting from the material submitted by the parties. The final decision of the responsible OCD official will be transmitted, in writing, immediately to the appellant and the grantee.

§ 1303.2–10 Remedies.

The responsible OCD official will remand the application to the grantee for prompt consideration and decision in accordance with the criteria set forth in § 1303.2–3 (a) and (b) for decision on the appeal. The grantee shall report its decision and the reasons therefor in writing to the responsible OCD official within 10 days after the date of the remand. The responsible OCD official may request additional information from either party if he deems it necessary to a decision. If the responsible OCD official finds that the grantee gave fair consideration to the application on remand and that its decision has a rational basis, the appeal shall be dismissed. If the responsible OCD official finds that the grantee failed to give fair consideration to the application on remand and that its decision does not have a rational basis, or if the grantee fails to act within the 10 days, the responsible OCD official may entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible OCD official deems appropriate in the circumstances. If such an application is not approved, the responsible OCD official will take whatever action he deems appropriate in the circumstances.

Subpart C—Denial of Grantee's Application for Refunding

§ 1303.3–1 Denial of Refunding.

A grantee's application for refunding may be denied by the responsible OCD official for circumstances related to the particular grant such as ineffective or improper use of Federal funds or for failure to comply with applicable law, regulations, terms and conditions, or, in accordance with Part 1302 of this Chapter, upon selection by the responsible OCD official of another applicant or loss by the grantee of legal status or financial viability. The procedures in this subpart do not apply to a denial of refunding based upon general policy.

§ 1303.3–2 Notice of intended denial and opportunity to show cause.

(a) When an intention to deny a grantee's application for refunding is arrived at on bases to which this subpart applies, the responsible OCD official will provide the grantee as much advance notice thereof as is reasonably possible, in no event later than 30 days after the receipt by OCD of the application. The notice will be in writing and sent to the grantee by registered or certified mail or by telegram. The notice will state the reasons for the intended denial of the application. It will inform the grantee that the grantee has the opportunity to submit written material in opposition to the intended denial to, and to meet informally with, the responsible OCD official regarding the intended denial in order to show cause why the application for refunding should not be denied. In addition, the notice will inform the grantee of the time, not fewer than seven days nor more than 14 days after the date of sending the notice to the grantee, within which the grantee shall notify the responsible OCD official in writing as to whether and to what extent it will utilize the opportunity to show cause provided by this section.

(b) If the grantee has notified the responsible OCD official in writing as provided by paragraph (a) of this section that it will submit written material, such material shall be mailed by the grantee to the responsible OCD official within 14 days after the date the notice was mailed by the grantee.

(c) If the grantee has notified the responsible OCD official in writing as provided by paragraph (a) of this section that it wants an informal meeting, the responsible OCD official will schedule the meeting as soon as possible but not sooner than 14 days from the date the notice was mailed by the grantee, unless the grantee consents to an earlier meeting time. The responsible OCD official will designate either the appropriate regional office or the place where the grantee is located as the place for holding the meeting. If the meeting is to be in a location other than the city or county in which the grantee operates, the responsible OCD official will authorize the grantee to pay the travel and per diem expenses of two representatives of the grantee to attend the meeting.

(d) If without fault on the part of the grantee its operating funds are exhausted before a final decision has been reached on whether its application for refunding will be denied, OCD will furnish sufficient funds to the grantee to maintain its current level of operations until such final decision is made.

§ 1303.3–3 Decision on appeal and review.

(a) The decision of the responsible OCD official will be made within 5 days after the informal meeting and will take into account the material submitted in writing and the information presented at the informal meeting. The decision, including a statement of the reasons therefor, will be in writing, and will be sent by certified or registered mail immediately to the grantee. If the decision is made on the basis of written material only, the decision will be made within 14 days of the receipt of the written material.

(b) If the decision of the responsible OCD official is to deny the application for refunding, the grantee may, within 15 days of the date of mailing, make a request in writing for review of the decision by the Director, OCD. Upon such request the Director, or his designee, will review the decision, the written material submitted by the grantee, a report of the information presented at the informal meeting, and the basis for the original intention to deny the application for refunding; and, on the basis of this review, make the final decision on whether the grantee's application for refunding will be denied. The final decision will be made no later than 30 days after receipt by the Director of the request for review. The Director will inform the grantee and the responsible OCD official in writing of the final decision and the reasons therefor.

Subpart D—Suspension and Termination of Financial Assistance to Grantees

§ 1303.4–1 Purpose.

(a) This subpart establishes rules and procedures for the suspension and termination of financial assistance provided by OCD under section 222(a)(1) of the Economic Opportunity Act of 1964, as amended, for the failure of a grantee to comply with applicable laws, regulations, guidelines, standards, instructions, assurances, terms and conditions, or, in accordance with Part 1302 of this Chapter, upon loss by the grantee of legal status or financial viability.

(b) This subpart does not apply to any administrative action based upon any violation, or alleged violation, of title VI of the Civil Rights Act of 1964.

§ 1303.4–2 Suspension on notice and opportunity to show cause.

(a) The responsible OCD official may suspend financial assistance to a grantee in whole or in part for breach or threatened breach of any requirement stated in § 1303.4–1 pursuant to notice and opportunity to show cause why assistance should not be suspended. However, in emergency cases where the responsible OCD official determines summary action is appropriate, the alternative summary procedures of § 1303.4–3 will be followed.

(b) The responsible OCD official will notify the grantee by registered or certified mail or by telegram that OCD intends to suspend financial assistance, in whole or in part, unless good cause is shown why such action should not be taken. The notice will include:

(1) The grounds for the proposed suspension;

(2) The effective date of the proposed suspension;

(3) Information that the grantee has the opportunity to submit written material in opposition to the intended suspension and to meet informally with the responsible OCD official regarding the intended suspension;

(4) Information that the written material must be submitted to the responsible OCD official at least 7 days prior to the effective date of the proposed suspension and that a request for an informal meeting must be made in writing to the responsible OCD official no later than 7 days after the day the notice of intention to suspend was mailed to the grantee;

(5) Invitation to correct the deficiency by voluntary action; and

(6) A copy of this subpart.

(c) If the grantee request an informal meeting, the responsible OCD official will fix a time and place for the meeting which will not be less than 7 days after the grantee's request is received by OCD.

(d) The responsible OCD official may on his own intiative establish a time and place for a meeting. In no event will such meeting be scheduled less than 7 days after the notice of intention to suspend was sent to the grantee.

(e) The responsible OCD official may in his discretion extend the period of time or date for making requests or submitting material by the grantee and will notify the grantee of any such extension.

(f) At the time the responsible OCD official sends the notice of intention to suspend financial assistance to the grantee, he will send a copy of it to any delegate agency whose activities or failures to act are a substantial cause of the proposed suspension, and will inform such delegate agency that it is entitled to submit written material in opposition to the intended suspension and to participate in the informal meeting with the responsible OCD official if one is held. In addition, the responsible OCD official may give such notice to any other Head Start delegate agency of the grantee.

(g) Within 3 days of receipt of the notice of intention to suspend financial assistance, the grantee shall send a copy of such notice and a copy of this subpart to all delegate agencies which would be financially affected by the proposed suspension action. Any delegate agency that wishes to submit written material may do so within the time stated in the notice. Any delegate agency that wishes to participate in the informal meeting regarding the intended suspension, if not otherwise afforded a right to participate, may request permission to do so from the responsible OCD official, who may grant or deny such permission. In acting upon any such request from a delegate agency, the responsible OCD official will take into account the effect of the proposed suspension on the particular delegate agency, the extent to which the meeting would become unduly complicated as a result of granting such permission, and the extent to which the interests of the delegate agency requesting such permission appear to be adequately represented by other participants.

(h) The responsible OCD official will consider any timely material presented to him in writing, any material presented to him during the course of the informal meeting as well as any showing that the grantee has adequately corrected the deficiency which led to the suspension proceedings. The decision of the responsible OCD official will be made within 5 days after the conclusion of the informal meeting. If the responsible OCD official concludes that the grantee has failed to show cause why financial assistance should not be suspended, he may suspend financial assistance in whole or in part and under such terms and conditions as he specifies.

(i) Notice of such suspension will be promptly transmitted to the grantee by registered or certified mail and shall become effective upon delivery. Suspension shall not exceed 21 days unless during such period of time termination proceedings are initiated in accordance with § 1303.4–4, or unless the responsible OCD official and the grantee agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension of financial assistance shall remain in full force and effect until such proceedings have been fully concluded.

(j) During a period of suspension no new expenditures shall be made and no new obligations shall be incurred in connection with the suspended program except as specifically authorized in writing by the respnosible OCD official. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the grantee's approved work program, and not in anticipation of suspension or termination, shall not be considered new expenditures. However, funds shall not be recognized as committed solely because the grantee has obligated them by contract or otherwise to a delegate agency.

NOTE: Willful misapplication of funds may violate section 301 of the Economic Opportunity Amendments of 1967 (42 U.S.C. 2703), or other criminal statutes.

(k) The responsible OCD official may modify the terms, condition and nature of the suspension or rescind the suspension action at any time on his own initiative or upon a showing satisfactory to him that the grantee has adequately corrected the deficiency which led to the suspension and that repetition is not threatened. Suspension partly or fully rescinded may, in the discretion of the responsible OCD official, be reimposed with or without further proceedings, except that the total time of suspension may not exceed 21 days unless termination proceedings are initiated in accordance with § 1303.4–4 or unless the responsible OCD official and the grantee agree to continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension of assistance shall remain in full force and effect until such proceedings have been fully concluded.

§ 1303.4–3 Summary suspension and opportunity to show cause.

(a) The responsible OCD official may suspend financial assistance without prior notice and opportunity to show cause if he determines that immediate suspension is necessary because of a serious risk of:

(1) Substantial injury to or loss of project funds or property, or

(2) Violation of a Federal, State, or local criminal statute, or

(3) Violation of section 603(b) or section 613 of the Economic Opportunity Act or of OCD directive implementing these sections of the Act, and that such risk is sufficiently serious to outweigh the general policy in favor of advance notice and opportunity to show cause.

(b) The notice of summary suspension will be given to the grantee by registered or certified mail or by telegram and shall become effective upon delivery. The notice will include the following items:

(1) The effective date of the suspension.

(2) The grounds for the suspension.

(3) The extent of terms and conditions of any partial suspension.

(4) A statement forbidding the grantee to make any new expenditures or incur any new obligations in connection with the suspended portion of the program.

(5) A statement advising the grantee that it has an opportunity to show cause why the suspension should be rescinded.

(c) If the grantee requests in writing the opportunity to show cause why the suspension should be rescinded, the responsible OCD official will fix a time and place for an informal meeting for this purpose. This meeting will be held within 7 days after the grantee's request is received by OCD. Notwithstanding the provisions of this paragraph, the re-

sponsible OCD official may proceed to initiate termination proceedings at any time even though financial assistance to the grantee has been suspended in whole or in part. In the event that termination proceedings are initiated, the responsible OCD official will nevertheless afford the grantee, if it so requests, an opportunity to show cause in an informal meeting why suspension should be rescinded pending the outcome of the termination proceedings.

(d) Notices of summary suspension shall also be furnished by the responsible OCD official and by the grantee to delegate agencies in the same manner as notices of intent to suspend as set forth in § 1303.4–3 (f) and (g). Delegate agencies shall have the right to participate in the informal meeting as set forth in said paragraphs.

(e) The effective period of a summary suspension of financial assistance may not exceed 10 days unless termination proceedings are initiated in accordance with § 1303.4–4 or unless the parties agree to a continuation of summary suspension for an additional period of time, or unless the grantee, in accordance with paragraph (c) of this section, requests an opportunity to show cause why the summary suspension should be rescinded.

(f) If the grantee requests an opportunity to show cause why a summary suspension should be rescinded, the suspension of financial assistance shall continue in effect until the grantee has been afforded such opportunity and a decision has been made by the responsible OCD official. Such a decision will be made within 5 days after the conclusion of the informal meeting with the responsible OCD official. If the responsible OCD official concludes, after considering the information elicited at the informal meeting, that the grantee has failed to show cause why the suspension should be rescinded, the responsible OCD official may continue the suspension in effect for an additional 7 days, except that, if termination proceedings are initiated, the summary suspension of financial assistance shall remain in full force and effect until all termination proceedings have been fully concluded.

(g) The provisions of § 1303.4–2(j) with respect to expenditures during a period of suspension are applicable to summary suspensions.

§ 1303.4–4 Termination and hearing.

(a) The responsible OCD official may terminate financial assistance to a grantee in whole or in part for failure to comply with any requirement or for loss of legal status or financial viability as stated in § 1303.4–1 whether or not such financial assistance has been suspended. Such termination will be pursuant to reasonable notice and the opportunity for a full and fair hearing.

(b) If the responsible OCD official believes that alleged noncompliance with any requirement stated in § 1303.4–1 is serious enough to warrant termination of financial assistance, whether or not financial assistance has been suspended, he will so notify the grantee by registered or certified mail or telegram. The notice will include:

(1) A statement that there are grounds which justify the proposed termination and that sets forth the specific reasons therefor:

(2) If the activities of a delegate agency are the bases, in whole or in part, for the reasons for the proposed termination, the identity of the delegate agency;

(3) Information that the matter has been set down for hearing at a stated time and place or that the grantee has a right to request a hearing in writing within a specified period of time, not less than 10 days from the date of sending notice.

(c) The termination hearing will be scheduled by the responsible OCD official for the earliest practicable date, but not later than 30 days after the grantee's request. Consideration shall be given by the responsible OCD official to a request by a grantee to advance or postpone the date of a hearing scheduled by OCD. The hearing shall afford the grantee a full and fair opportunity to demonstrate that it is in compliance with all applicable laws, regulations, and other requirements specified in § 1303.4–1. OCD will have the burden of justifying the proposed termination action. However, if the basis of the proposed termination is the failure of a grantee to take action required by law, regulation, or other requirement specified in § 1303.4–1, the grantee shall have the burden of providing that such action was timely taken.

(d) If a grantee requests a hearing, it shall send a copy of its request to all delegate agencies which would be financially affected by the termination of assistance and to each delegate agency identified in the notice. The copies of the request shall be sent to these delegate agencies at the same time the grantee's request is made to OCD. The grantee shall promptly send OCD a list of the delegate agencies to which it has sent the copies and the date on which they were sent.

(e) If the responsible OCD official informs a grantee that a proposed termination action has been set down for hearing, the grantee shall within 5 days of its receipt of this notice send a copy of it to all delegate agencies which would be financially affected by the termination and to each delegate agency identified in the notice. The grantee shall send the responsible OCD official a list of all delegate agencies notified and the date of notification.

(f) If the responsible OCD official has initiated termination proceedings because of the activities of a delegate agency, that delegate agency may participate in the hearing as a matter of right. Any other delegate agency, person, agency or organization that wishes to participate in the hearing may, in accordance with § 1303.4–6, request permission to do so from the presiding officer of the hearing. Such participation shall not, without the consent of OCD and the grantee, alter the time limitations for the delivery of papers or other procedures set forth in this section.

(g) The results of the proceeding and any measure taken thereafter by OCD pursuant to this part shall be fully binding upon the grantee and all its delegate agencies whether or not they actually participated in the hearing.

(h) A grantee may waive a hearing and submit written information and argument for the record. Such material shall be submitted to the responsible OCD official within a reasonable period of time to be fixed by him upon the request of the grantee. The failure of a grantee to request a hearing, or to appear at a hearing for which a date had been set, unless excused for good cause, shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is then in the possession of OCD including the allegations contained in the notice of termination.

(i) The responsible OCD official may attempt, either personally or through a representative, to resolve the issues in dispute by informal means prior to the hearing.

§ 1303.4–5 Time and place of hearing.

The termination hearing shall be held in Washington, D.C., or in the appropriate regional office, at a time and place fixed by the responsible OCD official unless he determines that the convenience of OCD, or of the parties or their representatives, requires that another place be selected.

§ 1303.4–6 Conduct of hearing.

(a) The presiding officer at the hearing shall be an administrative law judge designated as promptly as possible in accordance with 5 U.S.C. 3105. The presiding officer shall conduct a full and fair hearing, avoid delay, maintain order, and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the presiding officer shall have all powers authorized by law, and he may make all procedural and evidentiary rulings necessary for the conduct of the hearing. The hearing shall be open to the public unless the presiding officer for good cause shown otherwise determines.

(b) After the notice described in paragraph (i) of this section is filed with the presiding officer, he shall not consult any person or party on a fact in issue unless on notice and opportunity for all parties to participate. However, in performing his functions under this part the presiding officer may use the assistance and advice of an attorney, designated by the General Counsel of the U.S. Department of Health, Education, and Welfare, who has not represented OCD or any other party or otherwise participated in a proceeding, recommendation, or decision in the particular matter.

(c) Both OCD and the grantee are entitled to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross-examination as may be

required for a full and true disclosure of all facts bearing on the issues. The issues shall be those stated in the notice required to be filed by paragraph (i) of this section, those stipulated in a prehearing conference or those agreed to by the parties.

(d) In addition to OCD, the grantee, and any delegate agencies which have a right to appear, the presiding officer in his discretion may permit the participation in the proceedings of such persons or organizations as he deems necessary for a proper determination of the issues involved. Such participation may be limited to those issues or activities which the presiding officer believes will meet the needs of the proceeding, and may be limited to the filing of written material.

(e) Any person or organization that wishes to participate in a proceeding may apply for permission to do so from the presiding officer. This application, which shall be made as soon as possible after the notice of termination has been received by the grantee, shall state the applicant's interest in the proceeding, the evidence or arguments the applicant intends to contribute, and the necessity for the introduction of such evidence or arguments.

(f) The presiding officer shall permit or deny such participation and shall give notice of this decision to the applicant, the grantee, and OCD, and, in the case of denial, a brief statement of the reasons therefore. Even if previously denied, the presiding officer may subsequently permit such participation if, in his opinion, it is warranted by subsequent circumstances. If participation is granted, the presiding officer shall notify all parties of that fact and may, in appropriate cases, include in the notification a brief statement of the issues as to which participation is permitted.

(g) Permission to participate to any extent is not a recognition that the participant has any interest which may be adversely affected or that the participant may be aggrieved by any decision, but is allowed solely for the aid and information of the presiding officer.

(h) All papers and documents which are required to be filed shall be filed with the presiding officer. Prior to filing, copies shall be sent to the other parties.

(i) The responsible OCD official will send the grantee and any other party a notice which states the time, place, nature of the hearing, and the legal authority and jurisdiction under which the hearing is to be held. The notice will also identify with reasonable specificity the facts relied on as justifying termination and the OCD requirements which it is alleged the grantee has violated. The notice will be served and filed not later than 10 days prior to the hearing.

(j) The grantee and any other party which has a right or has been granted permission to participate in the hearing shall give written confirmation to OCD and the presiding officer of its intention to appear at the hearing 3 days before it is scheduled to occur. Failure to do so may, at the discretion of the presiding officer, be deemed a waiver of the right to a hearing.

(k) All papers and documents filed or sent to a party shall be signed by the appropriate party or his authorized representative. The date on which papers are filed shall be the day on which the papers or documents are deposited, postage prepaid in the U.S. mail, or are delivered in person, except that the effective date of the notice that there appear to be grounds which warrant terminating financial assistance shall be the date of its delivery or attempted delivery at the grantee's last known address as reflected in the records of OCD.

(l) Prior to the commencement of a hearing the presiding officer may, subject to the provisions of paragraph (b) of this section, require the parties to meet with him or correspond with him concerning the settlement of any matter which will expedite a quick and fair conclusion of the hearing.

(m) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but the presiding officer shall apply rules or principles designed to assure production of relevant evidence and to subject testimony to such examination and cross-examination as may be required for a full and true disclosure of the facts. The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence. A transcript shall be made of the oral evidence and shall be made available to any participant upon payment of the prescribed costs. All documents and other evidence submitted shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues.

(n) If the presiding officer determines that the interests of justice would be served, he may authorize the taking of depositions but only if all parties are afforded an opportunity to participate in the taking of the depositions. The party who requested the deposition shall arrange at his expense for a transcript to be made of the proceedings and shall upon request of any other party, furnish such party with a copy of the transcript.

(o) Official notice may be taken of a public document, or part thereof, such as a statute, official report, decision, opinion or published scientific data issued by any agency of the Federal Government or a State or local government and such document or data may be entered on the record without further proof of authenticity. Official notice may also be taken of such matters as may be judicially noticed in the courts of the United States, or any other matter of established fact within the general knowledge of OCD. If the decision of the presiding officer rests on official notice of a material fact not appearing in evidence, a party shall on timely request be afforded an opportunity to show the contrary.

(p) After the hearing has concluded, but before the presiding officer makes his decision, he shall afford each participant a reasonable opportunity to submit proposed findings of fact and conclusions.

§ 1303.4–7 Initial decision, exceptions, final decision and review.

(a) The decision of the presiding officer shall set forth his findings of fact, and conclusions, and shall state whether he has accepted or rejected each proposed finding of fact and conclusion submitted by the parties. Findings of fact shall be based only upon evidence submitted to the presiding officer and matters of which official notice has been taken. The decision shall so specify the requirements with which it is found that the grantee has failed to comply, if any. The decision shall be made within 14 days after the conclusion of the hearing and mailed promptly to all parties.

(b) The decision of the presiding officer may provide for continued suspension or termination of financial assistance to the grantee in whole or in part, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act.

(c) The decision of the presiding officer shall be an initial decision. Any party may, within 20 days of the mailing of such initial decision, or such longer period of time as the presiding officer specifies, file with the responsible OCD official his exceptions to the initial decision and any supporting brief or statement. Upon the filing of such exceptions, the responsible OCD official will, within 20 days of the mailing of the exceptions, review the initial decision and issue his own decision in the matter, including the reasons therefor. The decision of the responsible OCD official may increase, modify, approve, vacate, or mitigate any sanction imposed in the initial decision or may remand the matter to the presiding officer for further hearing or consideration.

(d) Whenever a hearing is waived, a final decision will be made by the responsible OCD official and a written copy will be given to the grantee.

(e) The grantee may request the Director to review a final decision by the responsible OCD official which provides for the termination of financial assistance. Such a request must be made in writing within 15 days after the grantee has been notified of the decision in question and must state in detail the reasons for seeking the review. In the event the grantee requests such a review, the Director or his designee will consider the reasons stated by the grantee for seeking the review and will approve, modify, vacate or mitigate any sanction imposed by the responsible OCD official or remand the matter to the responsible OCD official for further hearing or consideration. The decision of the responsible OCD official will be given great weight by the Director or his designee during the review. During the course of his review the Director or his designee may, but is not required to, hold a hearing or allow the filing of briefs and arguments. Pending the decision of the Director or his designee, if financial assistance has been sus-

pended it shall remain suspended under the terms and conditions specified by the responsible OCD official, unless the responsible OCD official or the Director or his designee otherwise determines. The final decision by the Director will be made no later than 30 days after receipt of the request for review.

§ 1303.4–8 Modification of procedures by consent.

In any proceeding under this subpart the responsible OCD official may alter, eliminate or modify any of the procedural provisions of this subpart, with the consent of the grantee and, in the case of a termination hearing, with the additional consent of all delegate agencies that have a right to participate in the hearing. Such consent must be in writing and be included in the hearing record.

[FR Doc.74–12998 Filed 6–5–74;8:45 am]

Public Health Service

[42 CFR Part 55a]

PROGRAM GRANTS FOR COAL MINERS' RESPIRATORY CLINICS

Notice of Proposed Rulemaking

Section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, as added by the Black Lung Benefits Act of 1972 (30 U.S.C. 937(a)), authorizes the Secretary of Health, Education, and Welfare to make grants and contracts for the construction, purchase, and operation of fixed-site and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in both active and inactive coal miners. The section directs that the awarding of such grants and contracts shall be coordinated with the Appalachian Regional Commission.

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 42, Code of Federal Regulations by adding a new Part 55a which sets forth the conditions and procedures for awarding grants for the operation of coal miners' respiratory clinics. The purpose of the grant is to furnish funds for initiating such clinical services to miners with the hope that the clinics will be self-supporting when Federal assistance ceases. Accordingly, there will be full funding of approvable programs; i.e., Federal funds may be obligated for up to three years of support.

To maximize the effectiveness of the limited amount of funds available for implementing the authority of section 427(a), the regulations propose to award grants only for the operation of clinical facilities notwithstanding express authority for awarding grant funds for the construction or purchase of such clinics. Moreover, it is proposed to limit grants to any public and private nonprofit agency or institution which (1) is located in any State that contains at least three percent of the Nation's active and inactive coal miner population and which has been designated by the Governor of the State as an agency to receive funds to carry out a miners' respiratory clinic program or (2) is the recipient of grant support under the Appalachian Regional Commission Black Lung Clinic Program. The operation of miners' respiratory clinics in those States which would not qualify for grants under this part may be supported by contract under section 427(a) of the Act.

The proposed regulations provide that awards would be made to eligible applicants on the basis of an application which sets forth a plan for the operation of respiratory clinics on an area or Statewide basis. Under such a plan, grantees would contract with clinics which meet the requirements of this Part 55a for the provision of services to miners.

In accord with the legislative history of section 427(a), it is proposed to limit support for treatment to respiratory and pulmonary impairments attributable to working in coal mines and to further limit support for treatment to occupational respiratory and pulmonary diseases which would not include treatment of respiratory impairments caused by traumatic injuries and accidents in the mines. Finally, in view of the ordinary meaning of "clinic" and the reference to mobile clinics which are not suited for inpatient care, treatment would be limited to outpatient care.

The funds available for these grants must be obligated by the Department by June 30, 1974, or be returned to the Treasury. In view of the time constraints for awarding grants under this part, grant applications will be accepted and processed during the comment period and applicants will be notified of any changes in the final rulemaking which may be deemed necessary as a result of comments received.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Regulations Officer, National Institute for Occupational Safety and Health, Rm 3–32 (Park Bldg.), 5600 Fishers Lane, Rockville, Maryland 20852. All material received on or before June 21, 1974, will be considered and revisions made where appropriate. Any comments received will be available for public inspection at the foregoing address during regular business hours.

It is therefore proposed to issue a new Part 55a as set forth below to be effective on the date of its republication in the FEDERAL REGISTER.

Dated: May 28, 1974.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: June 3, 1974.

CASPAR W. WEINBERGER,
Secretary.

PART 55a—PROGRAM GRANTS FOR COAL MINERS' RESPIRATORY CLINICS

AUTHORITY: The provisions of this Part 55a issued under sec. 508, 83 Stat. 803; 30 U.S.C. 957.

§ 55a.1 Applicability.

The provisions of this part are applicable to the award of grants pursuant to section 427(a) of the Federal Coal Mine Health and Safety Act, as amended (30 U.S.C. 937(a)) to carry out programs for the operation of fixed-site and mobile clinical facilities for examination, diagnosis, and treatment of respiratory and pulmonary impairments in coal miners.

§ 55a.2 Definitions.

Any term not defined herein shall have the meaning given it in the Act. As used in this part:

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969, as amended (30 U.S.C. 801 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) "Applicant" means any public or nonprofit private agency or institution which files an application for a grant under section 55a.4 of this part.

(d) "Nonprofit", as applied to an agency or institution, means that no part of the net earnings of such agency or institution inures or may lawfully inure to the benefit of any shareholder or individual.

(e) "Miner" means an individual who has been employed to work in or at any coal mine for at least a period of three years but does not include any worker who did not have direct contact with coal mining or coal processing operations.

(f) "Commission" means the Appalachian Regional Commission established by Title 40 App. U.S.C.

§ 55a.3 Eligibility.

(a) Any public or other nonprofit agency or institution which (1) is located in any State that contains at least 3 percent of the Nation's active and inactive coal miner population and which has been designated by the Governor of the State as the agency to receive funds to carry out a miners' respiratory clinic program, or (2) is the recipient of a grant by the Commission to carry out a miners' respiratory clinic program, is eligible to apply for a grant under this part.

(b) *Eligible projects*—Grants pursuant to section 427(a) of the Act and this

part may be made to eligible applicants for the purpose of carrying out area or statewide plans for the establishment and operation of fixed-site and mobile clinics for the analysis, examination, and treatment of miners' occupational respiratory and pulmonary diseases.

§ 55a.4 Application.

(a) An application for a grant under this part shall be submitted to the Secretary at such time and manner as the Secretary may prescribe.[1]

(b) The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct its program and carry out the requirements of this part, and a budget and justification of the amount of grant funds requested and such other pertinent information as the Secretary may require.

(c) The applicant must indicate (1) that a copy of the application was forwarded to the appropriate State health planning agency established pursuant to section 314(a) of the Public Health Service Act, and where such an agency has been established, to an area-wide planning agency established pursuant to section 314(b) of the Public Health Service Act for their review and comment, and (2) the dates such copies were forwarded. The applicant shall request that the comments of such agencies be forwarded to the Secretary.

(d) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the applicable regulations of this part, and any additional conditions of the grant.

(e) Such application shall set forth the membership of the Policy Advisory Committee (hereinafter referred to as the committee) described in § 55a.5.

§ 55a.5 Policy Advisory Committee.

(a) A Policy Advisory Committe shall be established by the grantee as follows:

(1) *Selection and composition.* The members of the committee shall be selected by the grantee and shall include a fair distribution of representatives from the miner population to be served, State agencies involved in health and welfare programs for coal miners, the health professions, and appropriate State or area-wide health planning agencies. Each member of the committee shall be selected to serve for a period of one year. The members of the committee shall elect one of the members to act as chairperson.

(2) *Meetings.* The committee shall meet as often as necessary but not less than quarterly during the time services are being offered.

(3) *Functions.* The committee shall from time to time review and make recommendations concerning general policies in the following areas:

(i) Selection and dismissal of personnel including qualifications, salary and benefits and grievance procedures;

(ii) Eligibility for services;

(iii) Hours and locations of services;

(iv) Priorities for allocation of project funds among services;

(v) Methods of evaluating the program; and

(vi) Other matters concerning the administration of the program.

(b) The Secretary may, for good cause shown, permit a grantee up to three months for compliance with the requirements of this section with respect to the selection of the Policy Advisory Committee and the Medical Advisory Committee pursuant to § 55a.6.

§ 55a.6. Medical Advisory Committee.

The grantee shall appoint a Medical Advisory Committee to assist it in establishing medical care policies and in reviewing requests for medical equipment and personnel from facilities attempting to meet the requirements of § 55a.8. The Medical Advisory Committee shall be composed of at least three persons with expertise in occupational respiratory and pulmonary diseases. Each member shall be selected to serve for a period of one year.

§ 55a.7 Program requirements.

An approvable application must contain each of the following:

(a) A plan for the provision of the services required by this part specifying the area for which the services are to be provided. The plan shall include resources currently available for respiratory clinic services and a list of the clinics meeting the requirements of § 55a.8, which have agreed to participate in the program and shall be accompanied by letters of intent from the clinics listed to participate in the grantee's program. Participation may be made contingent upon the award of grant funds.

(b) An assurance that, should an award be made, the grantee will enter into binding agreements with the listed clinics which shall include provisions that:

(1) Services will be made available without the imposition of any durational residence or referral requirement;

(2) Services will be made available in a manner calculated to preserve human dignity and to maximize acceptability and utilization of services;

(3) Charges shall be made for services rendered: Provided, however, That no person shall be denied health services by reason of inability to pay therefor: And further provided, That (i) where third-party payors (including Government agencies) are authorized or under a legal obligation to pay all or a portion of such charges, all services covered by that reimbursement plan will be billed and every reasonable effort will be made to obtain payment and (ii) where the cost of care and services furnished under the program is to be reimbursed under title XIX of the Social Security Act, a written agreement with the title XIX agency will be obtained by the clinic unless the title XIX agency refuses to enter into such an agreement and the clinic provides evidence of the refusal to the grantee.

(4) Subject to the provisions of paragraph (b)(3) of this section, a schedule of charges to be made for services rendered pursuant to the program will be followed in accordance with a schedule submitted and approved as part of the program. Such charges must be consistent with prevailing rates in the community for such services.

(5) Grant funds will be used to supplement and not supplant services that the clinic established prior to the grant award except to the extent such services are, or have been, supported by an award of the Commission.

(6) Medical services will be performed under the direction of a physician with special training or experience in the diagnosis and treatment of respiratory diseases.

(c) A statement that a Policy Advisory Committee will be established in accordance with § 55a.5 and a Medical Advisory Committee will be established in accordance with § 55a.6.

§ 55a.8. Requirements for respiratory clinics.

The only clinics which may be included in an applicant's plan are those which meet, or with grantee assistance will be able to meet, the following requirements:

(a) Capability for performing the following screening examinations at the clinic:

(1) History and physical examinations by or under the supervision of a physician;

(2) Spirometry (FVC, FEV, MMV);

(3) Chest roentgenography; and

(4) Electrocardiography.

(b) Ability by on-site performance of, or under formal arrangements with other medical facilities for performing, in-depth analysis of pulmonary function including measurements of total lung volumes, alveolar gas distribution, diffusion and other gas exchange studies, blood gases, pH, and the effect of exercise on pulmonary function.

(c) Ability to provide for the following treatment services:

(1) Oxygen therapy;

(2) Intermittent positive pressure breathing;

(3) Antibiotic therapy;

(4) Physical therapy;

(5) Anti-smoking advice; and

(6) Other symptomatic treatments including use of nebulizers, bronchodilators steroids, expectorants, etc.

(d) Be approved and designated by the Social Security Administration and Department of Labor to perform disability examinations and provide treatment under the Act.

(e) Be approved by the National Institute for Occupational Safety and Health to perform roentgenographic examinations of coal miners under 42 CFR Part 37 or so equipped, staffed, and technically and professionally proficient, in the judgment of the Secretary, to meet such requirements for approval.

§ 55a.9 Evaluation and award.

(a) Within the limits of funds available for such purposes, the Secretary

[1] Application kits, further information, technical assistance and consultation may be obtained from the appropriate Departmental Regional Office.

may award grants to assist in the carrying out of those programs which will in his judgment best promote the purposes of section 427(a) of the Act, taking into account:

(1) The number of miners to be served;

(2) The capacity of the applicant to make rapid and effective use of such assistance;

(3) The adequacy of the applicant's facilities and staff, and the adequacy of the respective facilities and staffs of the clinics included in the applicant's plan, including their experience in providing the services called for under the program;

(4) The degree to which other resources are committed to the program;

(5) The degree to which the applicant possesses the capability to analyze contracts for the purchase of medical equipment, and its experience with the delivery of medical services by clinical facilities;

(b) The amount of any award under this part will be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct program costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the program; or

(2) On the basis of a percentage of all, or a portion of, the estimated direct costs of the program when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is recommended.

(d) Neither the approval of any program nor any grant award shall commit or obligate the United States in any way to make additional, supplemental, continuation, or other award with respect to any approved program or portion thereof.

§ 55a.10 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either by advance or by way of reimbursement for expenses incurred or to be incurred to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved program.

§ 55a.11 Use of project funds.

(a) Any funds granted pursuant to this part, as well as other funds to be used in performance of the approved program, shall be expended solely for carrying out the approved program in accordance with section 427(a) of the Act, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by subpart Q of 45 CFR Part 74.

(b) Program funds awarded under this part may be used for renovation of existing space; purchase of medical equipment; salaries of additional personnel; transportation of patients; training of personnel, but may not be used for the construction of new facilities nor for salaries of persons in positions previously supported from other sources other than under a grant from the Appalachian Regional Commission.

(c) Program funds awarded under this part may be used to reimburse members of the Policy Advisory Committee and Medical Advisory Committee for actual expenses incurred by reason of their participation in such committee activities.

(d) Prior approval by the Secretary of revision of the budgetor's program plan is required whenever there is to be a significant change in the scope or nature of program activities including any relocation of the health services set forth in the plan filed as part of the grant application.

§ 55a.12 Nondiscrimination.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). In addition no person shall, on the grounds of sex, or creed (unless otherwise medically indicated) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Nor shall any person be denied employment in or by such program or activity so receiving Federal financial assistance on the grounds of age, sex, creed, or marital status.

§ 55a.13 Confidentiality.

All information as to personal facts and circumstances obtained by the grantee's staff shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 55a.14 Inventions or discoveries.

A grant award is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the program as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary or those he may designate at such times and in such manner as he may determine necessary to carry out such Department regulations.

§ 55a.15 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 55a.16 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved program the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: Provided, however, That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for interest earned on grant funds.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this section, must return all interest

earned on grant funds to the Federal Government.

(c) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved program, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved program the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (b) of this section; and

(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 55a.17 Program reporting requirements.

Each grant awarded pursuant to this part shall be subject to the condition that the grantee shall within 15 days after the end of each quarterly period submit to the Secretary a statistical summary of the patients examined and treated at the clinics operating under the grantee's program. In addition, the grantee shall submit such other reports as the Secretary may require.

§ 55a.18 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to States and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part.

Subpart	*Subject*
A	General.
B	Cash depositories.
C	Bonding and insurance.
D	Retention and custodial requirements for records.
F	Grant-related income.
G	Matching and cost sharing.
K	Grant payment requirements.
L	Budget revision procedures.
M	Grant closeout: Suspension, and termination.
O	Property.
Q	Cost principles.

[FR Doc.74-13082 Filed 6-5-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-GL-17]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to designate a transition area at Litchfield, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 8, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Litchfield Municipal Airport, Litchfield, Illinois. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Litchfield, Illinois.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

LITCHFIELD, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Litchfield Municipal Airport (latitude 39°09'54" N., longitude 89°40'22" W.); and within 3 miles each side of the 079° bearing from the airport, extending from the 5-mile radius area to 8 miles east of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Des Plaines, Illinois, on May 24, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74-12932 Filed 6-5-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-56]

VOR FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation regulations that would realign V-241W in part to extend from the Dothan, Ala., VORTAC to the Tyrone, Ga., INT, via the Midway, Ala., INT and the LaGrange, Ga., VORTAC.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before July 8, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign the portion of V-241W between Dothan, Ala., and Columbus, Ga., to extend from Dothan via the INT of Dothan 002°T (360°M) and LaGrange, Ga., 191°T (190°M) radials; and the LaGrange VORTAC to the INT of LaGrange 053°T (052°M) and Rome, Ga., 157°T (156°M) radials. This realignment would improve the traffic flow and terminal procedures in the Atlanta, Ga., and Columbus, Ga., areas.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on May 30, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12931 Filed 6-5-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 201, 211, 221, 261, 302, 312, 399]

[Docket No. 26718; PDR-36, EDR-269, PSDR-40]

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Policies and Procedures

Correction

In FR Doc. 74-11647 appearing at page 18288 in the issue for Friday, May 24, 1974, make the following changes:

1. The headings should read as set forth above.

2. In table III on page 18296, under the entry for "Pratt Whitney JT-4A (Long range jet): Takeoff", the entry under carbon monoxide, pounds per hour, which presently reads "18.9" should read "18.8".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20002]

FM BROADCAST STATIONS; FLORIDA

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Marco, Florida; St. Augustine, Florida; and Milton, Florida), RM-2143, RM-2184, RM-2251.

1. The Commission, by the Chief, Broadcast Bureau, pursuant to § 0.281 of the Commission's rules, has before it a petition filed by Collier Broadcasting Company ("Collier") seeking reconsideration of the notice of proposed rulemaking (published in the FEDERAL REGISTER on April 15, 1974, 39 FR 13559) inviting comments on the possible assignment of FM Channel 266 to Marco, Florida. Collier also filed a "Request for Staying of Time for Filing Comments". In addition, The Deltona Corporation ("Deltona") has opposed the petition for reconsideration and Collier has filed a reply to Deltona's opposition.

2. In the subject Notice of Proposed Rule Making, the Commission stated that the proposed assignment could bring a first local service to Marco, and in part we relied on the lack of a local station in discussing the merits of the proposal. Collier, as permittee of an AM station at Marco, charges that our error in not recognizing the existence of Collier's station-to-be calls for a withdrawal of the Notice. Collier contends that the error warrants such a withdrawal so that the Commission can properly decide if a Notice is warranted. Collier suggests that if the conclusion were to be favorable to the proposal the Commission then could decide that a Notice should again issue.

3. Although there is no question now about the mistake of fact, we do not agree that Collier's proposed solution would be an appropriate response to this situation. Obviously, the presence of an AM station at Marco, even if it is daytime-only, is a significant matter to consider in resolving the issue about any ultimate assignment. Nevertheless, we do not see any utility in reversing the issuance of the Notice and then quite possibly releasing it again with the corrected information. All such a course of action would produce is delay and unnecessary duplication. In our view, the preferable course is to correct our previous statement in regard to the situation at Marco, as we are doing here, and at the same time to alter the filing dates so that interested parties will have as much time as originally provided. Responsive filings would then be based on a correct description of the current situation. To establish the need to reverse the issuance of the Notice, on the other hand, the pleadings would have to establish that the Notice should not have been adopted at all, rather than just show that it was in need of more accurate presentation of facts. Using the corrected information, we continue to believe that there is justification for a Notice. Based on the responses we receive we shall be in a position to freely determine how best to proceed. Accordingly, as to the portion of this proceeding which deals with the proposed Marco assignment (RM-2143), we shall extend the deadlines. It should be mentioned in this connection that existence of a Notice of Proposed Rule Making in no way mandates or even presumes the ultimate adoption of the requested assignment.

4. Collier also mentions the matter of a Roanoke Rapids showing directed to establishing whether a first or second FM service could be provided by a Marco FM station. Apparently there is a misunderstanding about the thrust of the Notice on this score. The question was not of a first or second service being rendered to Marco but of a Marco station's ability to provide a first or second FM signal elsewhere within its coverage area. In any event, the burden of making the showing was placed on the Marco proponent if it wished to rely on this point in demonstrating the need for the assignment. Collier is free to submit its own data in comments or rebuttal data in reply comments.[1] We did not rely on first FM coverage in deciding to issue the Notice but only pointed out the allegation and the possible importance of the point if documented. As a result, no further action is required now on this aspect of the case.

5. Therefore, *it is ordered*, That the subject petition for reconsideration is granted to the extent indicated and in all other respects is denied.

6. *It is further ordered*, That the subject request for stay is granted and the time for filing comments and reply comments is extended to July 15, 1974, and July 31, 1974, respectively.

Adopted: May 29, 1974.

Released: May 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-12984 Filed 6-5-74;8:45 am]

[1] Collier has already submitted some data on this point in its late-filed opposition to the original petition for rule making.

[47 CFR Part 73]

[Docket No. 19974; FCC 74-562]

TABLE OF TELEVISION ASSIGNMENTS; PUERTO RICO

Memorandum Opinion and Order

In the matter of amendment of § 73.606(b) of the Commission's Rules, the Table of Television Assignments, to change Channel 7 at Ponce, Puerto Rico to a Ponce-San Juan assignment. General Policy Questions Involved in the Proposal to Move Transmitter location of the Ponce, Puerto Rico Channel 7 station to a point closer to San Juan, Puerto Rico.

1. The Commission here considers two requests of an interlocutory nature filed in this proceeding, both by WAPA-TV Broadcasting Corporation (WAPA-TV), the licensee of Station WAPA-TV, San Juan, P.R.: a "Petition for Partial Reconsideration" filed March 28, 1974, directed at the language in the Notice beginning the proceeding concerning publicity of financial reports; and a "Request for Production of Information" filed April 25, 1974, in which WAPA-TV requests that the licensee of Station WRIK-TV, Ponce, P.R., the moving party in this proceeding, furnish a vast amount of information in connection with it. Responsive material mentioned below is also considered.[1]

2. This proceeding essentially concerns a proposal by Ponce Television Corporation (PTC), the licensee of WRIK-TV, to move its transmitter location to a point closer to San Juan than to Ponce. PTC filed an application to the same effect in 1971, but withdrew it in May 1972 (it was dismissed in June 1972), after it was vigorously opposed by WAPA-TV and others and was designated for hearing on a number of issues. In September 1973 PTC filed a petition requesting in effect a "declaratory ruling" that the cause of equal access to the important San Juan market for it and other "network flagship stations" outweighed any of the problems involved in the application proposal. The present proceeding was begun by notice of inquiry and notice of proposed rulemaking or proposed statement of policy adopted March 13, 1974 and issued March 20, 1974 (FCC 74-253), 39 FR 11112, which proposed to explore the possibility of issuing such an "advance ruling" as requested by PTC, and if so to determine what would be contained in it, and also proposed formal rulemaking to redesignate the WRIK-TV channel (Channel 7) as a Ponce-San Juan assignment.

PETITION FOR PARTIAL RECONSIDERATION

3. In its "Petition for Partial Reconsideration", WAPA-TV asks deletion of the last sentence of paragraph 21 of the Notice. In this paragraph, the Commission referred to the likelihood that the economic situation and prospects of

[1] A third interlocutory matter involves cross-requests by WAPA-TV to examine the annual financial reports of WRIK-TV, and by PTC to examine those of the three San Juan and Caguas-San Juan stations. These requests, which are handled initially by the Executive Director under § 0.461 of the rules, are pending; decision is expected very shortly.

WRIK–TV may well be an important part of this matter, and that data contained in stations' annual financial reports (FCC Forms 324) would be considered.

* * * and we assume that WRIK agrees that such data for WRIK–TV may be made public to the extent necessary to support the decision reached. The same assumption will be made as to other Puerto Rican licensees who participate in the proceeding.

WAPA–TV objects to the last sentence quoted, as amounting to a holding that "the financial information of other Puerto Rican licensees may be made public as a condition of their participating in their proceedings." This, it is claimed, is unfair; the Commission may not condition the right of parties in interest, such as WAPA–TV, to participate in a proceeding on their "giving up some of their right to have the annual financial reports kept confidential." This right is granted under § 0.457(d)(1)(i) of the rules. It is claimed that the Commission has held that such information will not be made available when the party involved has not attempted to use it or rely on it, which WAPA–TV has not done here (though of course WRIK–TV clearly has with respect to its own information).

4. Responses to WAPA–TV's petition were filed by PTC and by the licensee of the other San Juan station (WKAQ–TV). PTC opposed the WAPA–TV petition, asserting that: (1) WAPA–TV has conceded the relevance of financial data in this proceeding by requesting to see the financial reports of WRIK–TV (see footnote 1, above); (2) access to other financial reports is clearly necessary to WRIK–TV to make its case as to the effect of its lack of competitive equality in the San Juan market, so that the public interest would be served by other stations' data being available; (3) since the Commission will rely on data it should also have the benefit of full exploration and analysis by the parties, so that all of the financial reports should be disclosed; (4) WAPA–TV does not have any right to confidentiality in the face of persuasive reasons for disclosure; and (5) WAPA–TV is continuing its "unending efforts to delay the relief sought by WRIK"—to its advantage but undermining the public interest. WKAQ filed "Comments" on both the WAPA–TV petition and WRIK–TV's opposition, expressing no opposition to the paragraph 21 language if it is construed as limited to what is expressed—that the Commission only means that in its decision it will make public such financial data as may be necessary to support the decision, not all details of financial reports. It is urged that we reject any suggestion such as that urged by WRIK–TV's opposition, to the effect that financial reports should generally be made available. WAPA–TV filed a reply to the WRIK–TV opposition, urging again that WAPA–TV has not relied on its own economic position and that there is completely absent the "persuasive showing" required to justify disclosure; and asserting that the party resisting disclosure need not show "prejudice" and there is involved no weighing of "harm" v. "benefit" to the respective parties. It is claimed that the cases cited by WRIK–TV do not by any means support disclosure here.

5. *Conclusions as to the request for partial reconsideration.* In our view, the WAPA–TV petition must be denied, although it is appropriate to set forth here certain qualifications on the language used in paragraph 21 and quoted above. It must be borne in mind that what is involved here is not—and was not intended to be—any consideration of making the financial reports of the stations themselves available to the public or to other parties to the proceeding. Such requests are generally handled, as they have been in this case, by the Executive Director subject to the right of appeal to the Commission. Rather, our intent was that correctly mentioned by WKAQ in its comments—to indicate, and put all parties on notice, as to what might be said in the decision as to matters involving the financial situations of the parties, i.e., that these matters would be discussed to the extent necessary to support the decision. We did not, and do not, contemplate that that will involve detailed disclosure of the individual figures of the San Juan and Caguas-San Juan stations. Rather, it is expected that, at most, it will include figures for the three stations as a group (for 1973, and for prior years adjusted to exclude from the market totals the UHF station which ceased operation in November 1972),[2] plus, possibly, a very general indication as to individual stations, for example a statement that all three stations are profitable (if that is the case), and, within rather wide limits, what percentage of total market profits, revenues, program expenses, etc., are attributable to the various stations (individual stations will not be identified). If statements of the latter kind are necessary, substantial efforts will be made to avoid disclosing respective shares in such a way as to give any station an exact idea of how any one competitor is doing. Exact dollar or percentage figures for individual stations will not be disclosed.

6. With the above qualifications, we adhere to the statement in paragraph 21 of the Notice, quoted above, and we are denying the WAPA–TV petition. In this proceeding, as in matters before the Commission generally, it is obviously necessary for any decision to be an informed one, based on all relevant facts which are available, and it is also necessary for the decision to set forth, at least generally, the considerations which prompted it, for the benefit of interested parties (and an appellate court if review is sought), as well as the public generally. We are not disposed to limit ourselves except as indicated above.

THE WAPA–TV PETITION FOR THE PRODUCTION OF INFORMATION

7. In this petition, WAPA–TV asks that it be furnished, by WRIK–TV, with a vast amount of information, the attached listing including some 92 areas in which information is requested, plus 5 other areas in which the production of documents is requested, plus a request for an order permitting WAPA–TV representatives to inspect the Ponce and San Juan studios and offices of WRIK–TV, and totaling some 17 pages. In summary, the material requested is as follows:

(a) *Personnel.* Name, job title and duties of each employee at each of the Ponce offices and studios, the San Juan offices and studios, and the WRIK–TV transmitter, as of March 1 of the years 1970 through 1974, plus the number of such employees, and the number on each date at each location principally engaged in time sales.

(b) *Equipment.* For every item costing over $100 and useable in TV program production or broadcast, the cost, order and delivery date, make and description, separately for San Juan and Ponce studios, from December 1, 1967 to March 1, 1974, including (with details) items shifted from San Juan to Ponce or vice versa (or moved elsewhere).

(c) *Programming.* Details of the WRIK–TV "local" programming during the composite weeks of 1967 through 1974, how much after deducting entertainment (including sports), and how much of the latter (and of total programming) originated from Ponce rather than San Juan, and at the Ponce studios or other locations; For a date every six months since December 1967, what were the news facilities at San Juan and at Ponce (2-way radio, TWX, Weather Bureau line, News Department tape recorders and cameras), and the same for studio lighting and control equipment; and, for a specified week in each of the last 5 years, what were the hours of studio operation at San Juan and Ponce.

(d) *Advertising.* The names of all Ponce advertisers, January 1973 through April 1, 1974, and also a description of Ponce sales efforts, including all businesses contacted with date and contacting person; information as to any separate Ponce rate cards used, and all instances of "off-card" selling (if any), January 1—April 1, 1974.

(e) *English-language programming.* The percentage of English-language programming in specified weeks of the years 1971 and after, the name and length of all such programs over 5 minutes, and, for English commercials, the year, name of sponsor, and number of announcements; and what programs (feature film or series) WRIK–TV has presented which were formerly on WTSJ–TV, the UHF station which programmed in English.

(f) *Tower location.* Details of all conversations and discussions (and identity and present location of any written memoranda) concerning the move of transmitter location away from the authorized site at Cerro Maravilla, before April 23, 1970, and any material showing that the signal from the present location into San Juan is unsatisfactory; and a statement as to what "market" United Artists analyzed before it bought control of WRIK–TV.

[2] Under general Commission practice, total figures of this kind are given, on request, for any group of three or more stations.

(g) *Financial.* A listing of all feature film and syndicated material bought by WRIK–TV from January 1970 through March 1974, by name, source and cost; a similar listing for live entertainment programming (name, who produced and cost to station); and whether any feature film or syndicated material was also shown on WUAB, Lorain, Ohio (also owned by United Artists) and, if so, how the cost was allocated.

(h) *Rating survey material.* WAPA asks some 33 questions concerning the rating survey material presented by WRIK–TV in its 1973 petition, many of them based on the 1967 report issued by the Broadcast Ratings Council, the NAB and the Advertising Research Foundation, and also on an appendix to the Harris Committee Report of 1961 (87th Cong., 1st Sess., Rept. 193), prepared by a committee of the American Statistical Association. These questions include inquiries as to whether this was a regular or special survey by the organization conducting it; the sample size and how it was selected, including the distribution of both the sample and of total TV homes by municipio for each of the 63 time periods included in the survey; what was measured and how refusals to answer, "not at home", etc. were handled; what training procedures and procedures for checking interviewers' work were used; what was the rating of each other station in each of the 63 time periods for each of the geographical divisions shown in the survey; and what was the basis for grouping the island's TV homes into the broad divisions on which the data was presented.

(i) *Request for the production* of all correspondence and memoranda, among officials of United Artists, Ponce Television Corporation and related corporations, and consulting engineers, from January 1969 through June 1973, concerning the possible transmitter move, and, from the same date until April 1, 1974, concerning the Ponce portion of the WRIK–TV operation—relating to program origination there, staffing, equipment, and solicitation of accounts which would get a "Ponce rate".

(j) Request for an order permitting examination of the WRIK–TV Ponce and San Juan studio-office premises by WAPA–TV representatives.

8. In support of its request, WAPA–TV states that the present proceeding is one sought by WRIK–TV, as a substitute for the hearing from which it withdrew in 1972, and with essentially the same questions involved and, of course, still unresolved, plus some new ones such as "viability", "competitive equality," etc. It is claimed that these matters cannot be resolved without an evidentiary hearing (to which WAPA–TV does not waive its rights and in which it would be entitled to this material), but, since the Commission intends to use the Docket 19974 proceeding to resolve the issues insofar as possible, at least it and the opposing parties must have the benefit of specific pertinent information, rather than relying on untested allegations and assertions by WRIK–TV. It is claimed that specific, basic information is needed concerning matters such as "viability", the economic and "competitive" position of WRIK–TV its claims to local service to Ponce and concerning program expenditures, and the methodology of its survey. WRIK–TV and its operation are said to be inextricably the central issue, and without the basic facts the Commission and opponents will be hamstrung, and no valid decision can be reached.

9. In opposition, WRIK–TV asserts that such discovery is entirely in appropriate for a proceeding such as this, which is rulemaking rather than adjudication; neither the Commission's rules nor the Administrative Procedure Act contemplate such procedures, and WAPA–TV has cited no authority. It is also urged that such discovery is not necessary; WAPA–TV petitioned for an extension of time in this proceeding, but did not mention any such need. The relevance or need of much of the material is disputed, as far as this proceeding is concerned (although some of it might be relevant to an application); for example, the equipment questions relate to the earlier question of WRIK–TV's alleged move of main studio to San Juan, the program cost questions can be answered from examination of WRIK–TV's forms 324, the questions on advertising efforts and English-language programming are irrelevant and anyhow can be answered by newspaper or television program guide analysis, and the questions concerning the rating survey are premature, since WRIK–TV has not filed comments and WAPA–TV can submit the same material, as it said it would. It is also urged that WAPA–TV is simply engaged in another delaying effort.

10. In reply, WAPA–TV repeats the argument that the same disclosure is required in this case as would be true in an evidentiary proceeding, and that the Commission should not be in the position of accepting untested allegations as if they were established, and permitting WRIK–TV to become a Ponce station without full investigation. It is claimed that, if this is to be more than a pro forma proceeding, there must be opportunity to inspect and test fundamental matters such as WRIK–TV's claimed economic situation, alleged inferiority of signal over San Juan, the extent to which it has provided and could be expected to continue a local Ponce-oriented service, and similar matters. As to specific points, it is claimed that the economic hardship claims cannot be evaluated without detailed information as to numbers of employees and equipment, and whether WRIK–TV can or cannot succeed as a Ponce station depends on an evaluation of how much effort it has put into programming for that community and attempting to sell time there. It is claimed that, with respect to matters such as studios and local service, the past record is the best indication of what is to be expected in the future. The questions concerning English-language programming are claimed to be relevant in connection with the "UHF impact" question (since that is what the previous San Juan UHF station specialized in, and what the new applicant proposes); and the questions as to tower location are relevant to the matter of present viability as well as UHF impact. Detailed program cost information is regarded as needed to test the claim of high programming expenditures, the questions concerning the audience survey (which are standard in that industry) are obviously needed to test that survey's reliability, and the production of documents is needed because they relate to the provision of service to Ponce, past, present and to be expected in the future. WAPA–TV asserts that while perhaps the Commission cannot order the production of this material, it can certainly indicate that it will terminate the proceeding unless it is supplied. It is also claimed that WRIK–TV's "delay" argument is baseless; there is, indeed, no real urgency here, since the ultimate parent of WRIK–TV (Transamerica Corp.) had a profit of over $89 million in 1973, and United Artists, the immediate parent, had a 1973 net income of over $14 million.

11. *Conclusions.* Upon consideration of the foregoing, we are of the view that the WAPA–TV request for information must be denied. Essentially, we reach this conclusion because of the nature of this proceeding, which is not adjudication but rather: (1) an inquiry; (2) a rulemaking concerning possible reassignment of Channel 7 so as to make it available for use by a San Juan station or a Ponce station; and (3) an exploration of the possibility of issuing a statement applying general Commission policies in this situation, and, if it is feasible to issue some kind of meaningful statement, to do so in light of material in the comments herein. As WRIK–TV points out, the Commission's discovery rules relate entirely to adjudicatory proceedings, in this case a hearing on a WRIK–TV application to move transmitter location.

12. It is apparent that a requirement for the production of all of the vast amount of information requested would substantially delay this proceeding, and, also, that it would by no means necessarily end the matter. If WAPA–TV were furnished this material, it might well simply find in it the basis for further questions and requests, which would lead to another round of discovery. Moreover, WAPA–TV asserts that in any event these various matters cannot be settled short of evidentiary hearing, which it claims for it and the other San Juan-area stations as a matter of right. Thus the production of the information here, or even of another round, would not necessarily eliminate the claims to hearing rights. Therefore, as a matter of orderly administrative procedure, we do not find it appropriate to grant the request in the context of this proceeding.

13. However, this is not to say that a good deal of the material may not ultimately be relevant to disposition of any WRIK–TV request to move, nor that none of it is relevant at this point. For example, the questions concerning WRIK–TV's audience survey material go to the

probative value of that material, insofar as it is advanced to show that (for technical reasons) WRIK–TV does not attract a sizeable audience in and around San Juan. Similarly, the "UHF impact" question decision here may involve consideration of the nature of WRIK–TV's programming as compared to that which is proposed by the new UHF applicant and was presented by the earlier UHF station (English-language programming). To the extent that WRIK's assertedly poor economic situation is advanced as justification for the move, as showing that a "Ponce" station cannot succeed, it may well be relevant to know how vigorously WRIK–TV has worked at presenting programs of particular value to that community and in attempting to sell time there. We did not attempt in the Notice to spell out what kinds of showings will be probative in this proceeding, nor do we do so now. It is up to WRIK–TV, as the petitioner here and the party who has in the past proposed to move, to make the case. In this case, as generally, the more specific the material furnished by the parties, the more likely we will be to reach a sound and meaningful decision.

EXTENSION OF TIME FOR COMMENTS

14. In a pleading filed May 21, 1974, WAPA–TV has requested that, because of the continued pendency of the three matters of an interlocutory nature, the time for comments and reply comments herein be extended for two weeks, from the present dates of June 3 and June 24, respectively. This extension appears appropriate in light of the need for parties to have substantial time to prepare their comments in light of our action herein, and, indeed, we would have granted it on our own motion for that reason, even if it had not been requested. Accordingly, we are setting comment and reply comment dates of June 17 and July 8, 1974.

15. In view of the foregoing, *it is ordered;* That:

(1) The "Petition for Partial Reconsideration" filed on March 28, 1974, by WAPA–TV Broadcasting Corporation, is denied, subject to the qualifications on the meaning of the last sentence of paragraph 21 of the notice beginning this proceeding, set forth in paragraph 5 hereinabove.

(2) The "Request for Production of Information" filed by WAPA–TV Broadcasting Corporation on April 25, 1974, is denied.

(3) The time for filing comments and reply comments in this proceeding is extended, to and including June 17 and July 8, 1974, respectively.

Adopted: May 29, 1974.

Released: June 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–12983 Filed 6–5–74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Awards of Pension

The Administrator of Veterans' Affairs proposes regulatory changes implementing provisions of Public Law 93–177 (87 Stat. 694) relating to awards of pension to veterans. This Act amended sections 3010(b) and 3203(a) of Title 38, United States Code, to provide (1) that disability pension may be awarded effective the date the veteran became permanently and totally disabled if an application is filed within 1 year from such date and (2) an increase from $30 to $50 in the amount of pension payable to a hospitalized veteran whose award is reduced under 38 U.S.C. 3203(a)(1). To implement these provisions of the Act it is proposed to amend §§ 3.321, 3.400 and 3.551 of Title 38, Code of Federal Regulations, as set forth below. Minor editorial changes, unrelated to the substantive changes, are being made in §§ 3.321(b)(2) and 3.551 designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, their dependents or beneficiaries. Obsolete provisions in § 3.400 relating to commissioned officers of the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration are deleted.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before July 8, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4.00 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendments to §§ 3.321(b)(3), 3.400(b)(1) and 3.551(a) and the introductory portion of (c) will be effective January 1, 1974.

1. In § 3.321, paragraph (b) (2) and (3) are revised to read as follows:

§ 3.321 General rating considerations.

* * * * *

(b) * * *

(2) *Pension.* Where the evidence of record establishes that an applicant for pension who is basically eligible fails to meet the disability requirements based on the percentage standards of the rating schedule but is found to be unemployable by reason of his or her disability(ies), age, occupational background and other related factors, the following are authorized to approve on an extra-schedular basis a permanent and total disability rating for pension purposes: the Adjudication Officer; or where regular schedular standards are met as of the date of the rating decision, the rating board.

(3) *Effective dates.* The effective date of these extra-schedular evaluations granting or increasing benefits will be in accordance with § 3.400(b) (1) and (2) as to original claims and in accordance with the facts found but not earlier than the date of claim in claims for increased benefits.

* * * * *

2. In § 3.400, the introductory portion preceding paragraph (a) and paragraph (b)(1) are amended and paragraphs (b)(2)(iii) and (c)(3)(iv) are revoked. The amended material reads as follows:

§ 3.400 General.

Except as otherwise provided, the effective date of an evaluation and award of pension, compensation or dependency and indemnity compensation based on an original claim, a claim reopened after final disallowance, or a claim for increase will be the date of receipt of the claim or the date entitlement arose, whichever is the later. (38 U.S.C. 3010(a))

* * * * *

(b) *Disability benefits*—(1) *Disability pension (§ 3.3(c)).* Date of receipt of claim or date on which the veteran became permanently and totally disabled, if claim is filed within 1 year from such date, whichever is to the advantage of the veteran: *Provided,* That, an award of pension may not be effective prior to the date entitlement arose. (Pub. L. 93–177; 87 Stat. 694)

(2) * * *

(iii) [Revoked]

(c) * * *

(3) * * *

(iv) [Revoked]

* * * * *

3. In § 3.551, paragraphs (a), (b), (c), (d), (e)(2) and (f) are revised to read as follows:

§ 3.551 Reduction because of hospitalization.

(a) *General.* Pension in excess of $50 monthly is subject to reduction when a veteran who has neither wife, husband, child nor dependent parent is hospitalized, unless the veteran is hospitalized for Hansen's disease. The provisions of this section apply to initial periods of hospitalization and to readmissions following discharge from a prior period of hospitalization. If the veteran is hospitalized for observation and examination, the date treatment began is considered the date of admission. Special rules governing discontinuance of aid and attendance allowance are contained in § 3.552 and for discontinuance of awards for incompetent veterans in § 3.557. Except as otherwise indicated the terms "hospitalized" and "hospitalization" in §§ 3.551 through 3.559 mean:

(1) Hospital treatment in a Veterans Administration hospital or in any hospital at Veterans Administration expense.

(2) Institutional, domiciliary or nursing home care in a Veterans Administration institution or domiciliary or at Veterans Administration expense.

(b) *Reduction after 6 months.* Pension (except as provided in paragraph (c) of this section) in excess of $30 monthly for a veteran who has neither wife, husband, child nor dependent parent shall continue at the full monthly rate until the end of the sixth calendar month following the month of admission for hospitalization. The rate payable will be reduced effective the first of the seventh calendar month to $30 monthly or 50 percent of the amount otherwise payable, whichever is greater. The reduced rate will be effective the first day of the seventh calendar month following admission. Payment of the amount withheld may be made on termination of hospitalization, as provided in § 3.556. (Pub. L. 92–328; 86 Stat. 393)

(c) *Reduction after 2 months.* Where pension is being paid to a veteran under 38 U.S.C. 521(b) or to a Spanish-American War veteran or an Indian war veteran who was not receiving pension for June 30, 1960, or who is receiving pension under 38 U.S.C. 521, the pension for a veteran who has neither wife, husband, nor child, or who, though married, is receiving pension as prescribed by 38 U.S.C. 521(b) because not living with or reasonably contributing to the support of his or her spouse shall continue at the full monthly rate until the end of the second calendar month (except as provided in paragraph (d) of this section) following the month of admission for hospitalization. The rate payable effective the first of the third calendar month will be an amount not in excess of $50 monthly. Where the veteran has been discharged from a period of hospitalization of not less than 2 full calendar months and is readmitted within 6 months, the award will be reduced effective the date of readmission. (Pub. L. 93–177; 87 Stat. 694)

(1) Where pension was being paid to a married veteran at the rate prescribed by 38 U.S.C. 521(b), all or any part of the rates payable under 38 U.S.C. 521(c) or (c) and (e) may be apportioned for an estranged wife or husband as provided in § 3.454(b) (38 U.S.C. 3203(a)).

(2) Where pension is payable to an Indian war or Spanish-American War veteran who is in need of aid and attendance, pension under 38 U.S.C. 511 or 512 may be continued under the provisions of paragraph (b) of this section if the veteran was receiving or entitled to receive pension for June 30, 1960. See § 3.711.

(d) *Computation of period.* In computing the period of hospitalization prior to reduction under paragraph (c) of this section, the period will be extended by reason of time spent on leave, regularly authorized furlough or trial visit, regardless of length after the month of admission. Absence on pass is included as part of the period of hospitalization. For the purposes of paragraph (c) of this section, the veteran will be considered to have been hospitalized for 2 calendar months when he (or she) has received a total of 60 days of treatment or care, exclusive of specified absences.

(e) * * *

(2) *Unapproved discharge.* When a veteran whose award is subject to reduction under paragraph (b) of this section has been discharged or released from a hospital against medical advice or as the result of disciplinary action, reentry within 6 months from the date of a previous admission constitutes a continuation of that period of hospitalization, and the award will not be reduced prior to the first day of the seventh calendar month following the month of original admission, exclusive of furloughs. Except as provided in the preceding sentence, if a veteran reenters a hospital within 6 months after discharge or release against medical advice or as a result of disciplinary action, the award will be reduced as of the date of readmission. A reentry 6 months or more after such discharge or release will be considered as a new admission. (Pub. L. 89–362; 80 Stat. 30)

(f) *Proof of dependents.* The veteran will be considered to have neither wife, husband, child nor dependent parent in the absence of satisfactory proof. Statements contained in the claims folder concerning the existence of such dependents will be considered a prima facie showing. If the necessary evidence is not received (1) within 60 days after the date of request where the award is subject to reduction under paragraph (b) of this section, or (2) prior to the effective date of reduction under paragraph (c) of this section, the veteran's award will be reduced on the basis of no dependents. The full rate may be authorized from the date of reduction if the necessary evidence is received within 1 year after the date of request.

* * * * *

Approved: May 31, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74–12992 Filed 6–5–74;8:45 am]

[38 CFR Part 21]

VETERANS' EDUCATION

Liberalization of Certification Requirements

The following regulatory changes provide for enrollment for a complete course, for the advance payment of educational assistance allowances in all cases on the initial enrollment in school on at least a one-half time basis if information to authorize educational benefits is timely received, and for verification by a Veterans Administration employee of continued pursuit if the student is enrolled in a college level program and in the last month of enrollment. For students in courses not leading to a standard college degree certificates of attendance are required quarterly rather than monthly. Failure to submit the required certification will result in a termination of educational benefits effective from the date of last payment unless an earlier or later date is established on the basis of facts found.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans' Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before July 8, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above number.

Notice is also given that it is proposed to make any regulations that are adopted effective the date of final approval.

1. In § 21.4135, paragraph (h) is revised to read as follows:

§ 21.4135 Discontinuance dates.

* * * * *

(h) *Required certifications not received after certification of enrollment (§§ 21.4203 and 21.4204).* (1) If required certification is not timely received, payments will be suspended. If not received within 2 months (two quarters for correspondence) after month due, discontinue date of last payment. If certification is later received, adjustment will be made based on facts found.

(2) If verification of enrollment and certificate of delivery of the check is not received within 60 days, in the case of an advance payment, the actual facts will be determined and adjustment made, if required, on the basis of facts found. If student failed to enroll, termination will be effective the beginning date of the enrollment period.

* * * * *

2. In § 21.4137(g), subparagraphs (2) and (3) are revised to read as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. Ch. 35.

* * * * *

(g) * * *

(2) *Payment.* The amount of the payment is not to exceed the allowance for the month or fraction thereof in which the course will commence plus the allowance for the following month. Upon receipt of an application, together with an enrollment certification or other information as required by paragraph (g)(3) and if there is no evidence in the eligible person's file showing that he is not eligible for such an advance, the check, made payable to the eligible person, shall

be mailed to the institution for delivery to the eligible person upon registration. No delivery shall be made more than 30 days in advance of commencement of the program. Subsequent payments shall be made each month in advance subject to certification requirements set out in §§ 21.4138, 214203, 21.4204, and 21.4205. Final payment will be withheld if absence reporting is required until the required certification is received and any necessary adjustments made.

(3) *Certification.* Advance payment will be authorized initially and at the beginning of each subsequent term within an enrollment period preceded by an interval of nonpayment for one full calendar month or more provided the application, enrollment certification or other document signed either by an authorized official of the institution or the eligible person contains the following information:

(i) The eligible person is eligible for educational benefits;

(ii) The eligible person has been accepted by the institution or is eligible to continue training there;

(iii) The eligible person has notified the institution of his intention to attend that institution or to reenroll in it;

(iv) The number of semester, clock or Carnegie hours to be pursued by the eligible person; and

(v) The beginning and ending dates of the enrollment period.

3. In § 21.4203, the introductory portion of paragraph (b) and paragraphs (b)(1) and (f) are revised to read as follows:

§ 21.4203 Reports by schools; requirements.

* * * * *

(b) *Entrance or reentrance.* The certification must clearly specify the course. Upon receipt of a certification of enrollment, an official authorization will be issued showing the beginning and ending dates of each period for which an allowance may be paid. Except as provided in paragraph (d) of this section the authorization will be for the period of enrollment to completion of the course or the extent of the eligible person's entitlement, whichever is the lesser.

(1) Schools organized on a term, quarter or semester basis will generally report enrollment for the complete course to the expected date of graduation. If a certification for the complete course covers two or more terms the school will report the dates for the break between terms or school years if a term or school year ends and the following term or school year does not begin in the same or the next calendar month. No allowances are payable for these intervals. The school will report the period between each term, quarter or semester, if the eligible veteran or student elects not to be paid for the intervals between terms. At the discretion of the Administrator, payment may be made for breaks, including intervals between terms, within a certified period of enrollment during which the school is closed under an established policy based upon an order of the President or due to an emergency situation. Enrollment will be for the complete course, except where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman. For these students a separate enrollment certification will be required for each term, quarter or semester.

* * * * *

(f) *Certification.*—(1) *Courses not leading to a standard college degree.* A certification must be submitted quarterly, except for those courses pursued by servicemen while on active duty or on less than one-half time basis, and except as provided in paragraph (e) and (g) of this section, for each veteran and eligible person enrolled in a course which does not lead to a standard college degree. (See § 21.4204.) A report also will be required before release of the final allowance check. The report will consist of a certification containing the information required for release of payment, signed by the veteran or eligible person and the school on or after the final date of the reporting period. The date on which each person signed must be clearly shown. The only exception to the requirement to two signatures is a certification of interruption of training when the veteran or eligible person is not available for signature.

(2) *Courses leading to a standard college degree.* Schools which have veterans or eligible persons enrolled in courses which lead to a standard college degree are not required to submit periodic certifications for students enrolled in such courses. Certifications are, however, required under paragraphs (b), (c) and (d) of this section.

(3) *Apprentice or other on-the-job training.* A certification of attendance must be submitted monthly during the period of enrollment in the same manner as certifications required in paragraph (f)(1) of this section.

* * * * *

4. In § 21.4204, paragraphs (a) and (e) are revised to read as follows:

§ 21.4204 Periodic certifications.

* * * * *

(a) *Reports by schools, veterans and eligible persons.* For a veteran or eligible person enrolled in a course which leads to a standard college degree, excepting those on active duty and veterans or eligible persons pursuing the course on a less than half-time basis there must be verification of continued enrollment in and pursuit of the course for the entire enrollment period. Verification of continued enrollment will be made by a Veterans Administration representative in direct contact with the school at least once a year and in the last month of enrollment if the enrollment period ends more than 3 months after the last verification. In the case of a veteran or eligible person who completed, interrupted or terminated his course, any communication from the student or other authorized person notifying the Veterans Administration of the veteran's or eligible person's completion of course as scheduled or earlier termination date, will be accepted to terminate payments accordingly. Reports by other veterans and eligible persons will be submitted in accordance with § 21.4203(e), (f) or (g).

* * * * *

(e) *Farm cooperative courses.* The quarterly certification will cover only those periods of classroom instruction which are included in the prescheduled institutional portion of the course.

5. In § 21.4205, the introductory portion preceding paragraph (a) is revised to read as follows:

§ 21.4205 Absences.

Absences must be reported on the quarterly certification of pursuit of a course which does not lead to a standard college degree.

* * * * *

Approved: May 31, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-12991 Filed 6-5-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-146]

FINE ARTS COMMITTEE

Notice of Meeting

The Fine Arts Committee will hold its semi-annual meeting on Thursday, June 20, 1974 at 2:30 p.m. in the John Quincy Adams State Drawing Room in the Diplomatic Reception Rooms.

The agenda will include a summary of the work of the Fine Arts Committee since its last meeting, the announcement of all gifts and loans during the calendar year 1973 as well as January through May 1974, and the Committee's plans for the architectural improvements in the reception rooms.

The meeting is open to the public. Because of State Department security requirements anyone wishing to attend should telephone the Fine Arts Committee prior to the meeting, Area Code (202) 632-0298 to make arrangements to enter the building.

Dated: June 3, 1974.

CLEMENT E. CONGER,
Chairman, Fine Arts Committee.

[FR Doc.74-12980 Filed 6-5-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

AMOBARBITAL, SECOBARBITAL, PENTOBARBITAL

Bulk Manufacture and Import; Certain Companies

By order dated November 13, 1973 (38 FR 31310), amobarbital, secobarbital, pentobarbital and their salts were transferred from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801).

In order to provide for an orderly transition and maintain an adequate and uninterrupted supply of amobarbital, secobarbital and pentobarbital, bulk manufacturers and importers of these substances who maintained the requisite effective controls against diversion, were granted an expanded registration to permit them to conduct their respective activities with Schedule II controlled substances.

Notice is hereby given that the following parties have been granted a registration to conduct the specified activities with the specified basic class controlled substance(s):

Eli Lilly & Company, 1249 S. White River Parkway, Indianapolis, Indiana 46206. *Bulk Manufacturer:* Amobarbital, Secobarbital. *Importer:* Secobarbital, Amobarbital, Pentobarbital.

Abbott Laboratories, 14th S. Sheridan Road, North Chicago, Illinois 60064. *Bulk Manufacturer:* Pentobarbital. *Importer:* Pentobarbital.

Ganes Chemical Company, Siegfried Chemical Division, Pennsville, New Jersey. *Bulk Manufacturer:* Secobarbital, Pentobarbital, Amobarbital.

Cord Laboratories, 19191 Filer, Detroit, Michigan. *Importer:* Amobarbital, Secobarbital, Pentobarbital.

U.S. Pharmacopeial Convention, 12601 Twinbrook Parkway, Rockville, Maryland. *Importer:* Amobarbital, Secobarbital, Pentobarbital.

In the event that a registered importer applies to the Drug Enforcement Administration for authorization to import a controlled substance, all bulk manufacturers of the particular controlled substance will be afforded an opportunity to comment, object or request a hearing on the proposed application pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) and § 1311.42 of Title 21 of the Code of Federal Regulations.

Dated: May 30, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-12965 Filed 6-5-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 486]

CALIFORNIA

Notice of Filing of Plats of Survey

MAY 31, 1974.

1. Plats of survey of the lands described below, accepted on February 11, 1974, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on July 15, 1974:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 S., R. 12 E.
A dependent resurvey of Mineral Survey No. 5503, the resurvey and survey to complete the south and east boundaries, and the survey of section 36.
T. 2 S., R. 12 E.
A dependent resurvey of Mineral Survey Nos. 5503 and 6538, the resurvey and survey of a portion of the east boundary, and the survey of sections 4, 9 and 16.

The area described aggregates 1,538.81 acres.

2. These surveys were executed to delineate the unsurveyed school sections within the townships.

3. For the most part the lands are of rough, rocky and mountainous terrain. The area gets only 3 to 4 inches of rainfall per year and the vegetation is the Joshua tree woodland type. It serves as a Big Horn Sheep wildlife habitat.

4. All of the public lands are classified for multiple use management and will be opened only to such forms of disposition under the public land laws as are allowed under the provisions of the multiple use classification on the effective date of the filing of these plats. The public lands have been and still are subject to the operation of the mining and mineral leasing laws.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

[SEAL] ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.74-12942 Filed 6-5-74;8:45 am]

[Group 486]

CALIFORNIA

Notice of Filing of Plats of Survey

MAY 31, 1974.

1. Plats of survey of the lands described below, accepted on February 11, 1974, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on July 15, 1974:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 2 S., R. 10 E.
Secs. 4, 9, and 16.
T. 2 S., R. 11 E.
Secs. 4, 9, and 16.

The area described aggregates 3,840 acres.

2. These surveys were executed to delineate the unsurveyed school sections. Title to Section 16 in each of these townships vested in the State of California as school grant lands.

3. The lands are located just north of Joshua Tree National Monument. The terrain is rough, rocky and mountainous, covered by the Joshua tree woodland type vegetation. It serves as wildlife habitat for Big Horn Sheep.

4. All of the public lands are classified for multiple use management and will be opened only to such forms of disposition under the public land laws as are allowed under the provisions of the multiple use classification on the effective date of the filing of these plats. The public lands have been and still are subject to the operation of the mining and mineral leasing laws.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

[SEAL] ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.74-12943 Filed 6-5-74;8:45 am]

[OR 11327]

OREGON

Notice of Proposed Classification of Public Lands for Disposal By Exchange

MAY 29, 1974.

Pursuant to section 7 of the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g), and to regulations in 43 CFR 2400.0-3 and Subpart 2462, it is proposed to classify the lands described below for disposal through exchange, under section 8 of the Taylor Grazing Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g; 43 CFR 2200).

WILLAMETTE MERIDIAN, OREGON

T. 2 N., R. 20 E.,
Sec. 24, NE¼.
T. 2 N., R. 21 E.,
Sec. 30, NE¼SE¼.
T. 3 N., R. 21 E.,
Sec. 12, SE¼.
T. 1 N., R. 22 E.,
Sec. 20, S½NE¼, W½NW¼, and SE¼;
Sec. 24, NW¼SE¼;
Sec. 28, N½NE¼;
Sec. 34, SW¼NW¼.
T. 2 N., R. 22 E.,
Secs. 2 and 3;
Sec. 4, SE¼SE¼;
Sec. 6, lots 1, 2, and 3, NE¼, and NE¼NW¼;
Sec. 8, SE¼;
Secs. 10, 11, and 12;
Sec. 14, N½;
Sec. 15, N½N½;
Sec. 34, NE¼, E½NW¼, N½SW¼, SE¼SW¼, and SE¼.
T. 3 N., R. 22 E.,
Sec. 4, S½;
Secs. 8 and 10;
Sec. 14, W½;
Sec. 18, SW¼SE¼;
Sec. 20, NE¼ and E½NW¼;
Sec. 22, N½NE¼, SW¼NE¼, W½, and W½SE¼;
Sec. 26, SW¼SW¼;
Sec. 27, S½SW¼;
Sec. 28, NE¼;
Sec. 30, lot 1 and E½W½;
Secs. 32 and 34.

The area described aggregates 10,079.44 acres in Gilliam County.

Publication of this notice will segregate the lands from all appropriations, including location under the mining laws, except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. In accordance with 43 CFR 2201.1 and 2201.2, no application for an exchange will be accepted until the lands have been classified and the application is accompanied by a statement from the Oregon State Director, Bureau of Land Management, that the proposal is feasible.

Information concerning these lands is available at the Oregon State Office, Bureau of Land Management (729 NE Oregon Street), P.O. Box 2965, Portland, Oregon 97208.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the State Director, Oregon State Office, Bureau of Land Management (729 N.E. Oregon Street), P.O. Box 2965, Portland, Oregon 97208 no later than August 7, 1974.

MAXWELL T. LIEURANCE,
Acting State Director.

[FR Doc.74-12944 Filed 6-5-74;8:45 am]

[INT DES 74-66]

KING RANGE NATIONAL CONSERVATION AREA, CALIF.; PROPOSED MANAGEMENT PROGRAM

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed establishment of the King Range National Conservation Area in Humboldt and Mendocino Counties, California and invites public comment on or before July 22, 1974.

The environmental statement considers the impacts of designation of the Area's boundaries, development of a multiple-use plan and implementation program and draft regulations governing land exchange and mining in the Area.

Copies are available for inspection at the following locations:

Office of Public Affairs, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240, telephone (202) 343-5717.

State Director, Bureau of Land Management, 2800 Cottage Way, Rm. E-2841, Sacramento, California 95825, telephone (916) 484-4541.

District Manager, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, telephone (707) 462-3873.

A limited number of single copies are available and may be obtained by writing to the State Director. Please refer to the statement number above.

Dated: June 3, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-12977 Filed 6-5-74;8:45 am]

[NM 21022, 21028, 21113, 21118, 21138]

EL PASO NATURAL GAS CO.

Notice of Applications

MAY 28, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 29 E.,
Sec. 18, SE¼NE¼.
T. 21 S., R. 32 E.,
Sec. 21, NW¼NW¼.
T. 22 S., R. 22 E.,
Sec. 7, SW¼NE¼.
T. 22 S., R. 30 E.,
Sec. 1, S½SW¼;
Sec. 11, NE¼NE¼;
Sec. 12, NW¼NW¼.

These pipelines will convey natural gas across 0.716 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-12946 Filed 6-5-74;8:45 am]

[New Mexico 21124]

TRANSWESTERN PIPELINE

Notice of Application

MAY 30, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 6-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 24 E.,
Sec. 9, SE¼SW¼.

This pipeline will convey natural gas across 0.04 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-12947 Filed 6-5-74;8:45 am]

[New Mexico 21020]

EL PASO NATURAL GAS

Notice of Application

MAY 30, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for an 8⅝-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 22 E.,
Sec. 7, S½NE¼ and NE¼SE¼;
Sec. 8, N½SW¼.

This pipeline will convey natural gas across 0.737 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform ceeding with consideration of whether the public that the Bureau will be pro- the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-12948 Filed 6-5-74;8:45 am]

National Park Service

BUFFALO NATIONAL RIVER, ARKANSAS; PROPOSED MASTER PLAN

Notice of Extension of Time To Comment on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement concerning possible actions under consideration related to a proposed master plan for the Buffalo National River, Arkansas.

Written comments on the environmental statement are invited and will be accepted on or before August 5, 1974. Written comments should be addressed to the Superintendent, Buffalo National River, National Park Service, Post Office Box 1173, Harrison, Arkansas 72610.

For additional information regarding this matter see FEDERAL REGISTER of April 30, 1974, Vol. 39, No. 84, pages 15055-15056.

Dated: June 3, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-12976 Filed 6-5-74;8:45 am]

[INT DES 74-60]

COWPENS NATIONAL BATTLEFIELD, SOUTH CAROLINA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for proposed Master Plan and Development Concept Plan, Cowpens National Battlefield, South Carolina, and invites written comment on or before July 22, 1974. Written comment should be addressed to the Regional Director, Southeast Region, or to the Superintendent, Kings Mountain National Military Park at the addresses listed below.

The draft environmental statement considers the proposed development of the battlefield for visitor use in Cherokee County, South Carolina and the relocation of State Highways 11 and 110.

Copies are available from or for inspection at the following locations:

Office of the Regional Director
Southeast Region
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344

Office of the Superintendent
Kings Mountain National Military Park
P.O. Box 31
Kings Mountain, N.C. 28086

Office of the Superintendent
Great Smoky Mountains National Park
Gatlinburg, Tennessee 37738

Dated: May 24, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-12975 Filed 6-5-74;8:45 am]

[INT DES 74-61]

SLEEPING BEAR DUNES NATIONAL LAKESHORE, MICH.; WILDERNESS PROPOSAL

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for a wilderness proposal for Sleeping Bear Dunes National Lakeshore, Michigan.

The statement considers designation of 26,050 acres of land as potential wilderness addition within Sleeping Bear Dunes National Lakeshore.

Written comments on the environmental statement are invited and will be accepted on or before July 22, 1974. Comments should be addressed to the Superintendent, Sleeping Bear Dunes National Lakeshore.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Superintendent
Sleeping Bear Dunes National Lakeshore
400½ Main Street
Frankfort, Michigan 49635

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

Dated: May 28, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-12978 Filed 6-5-74;8:45 am]

[INT FES 74-38]

HAWAII VOLCANOES NATIONAL PARK, HAWAII

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the Proposed Natural Resources Management Plan for Hawaii Volcanoes National Park, Hawaii.

The final environmental statement considers a plan of biologic research, propagating rare and endangered species, reintroducing rare plants into former range, protecting rare endemic biota from depredation by feral goats and pigs, and re-establishing and nurturing remnants of endemic Hawaiian ecosystems.

Copies are available from or for inspection at the following locations:

Western Regional Office
National Park Service
450 Golden Gate Avenue
San Francisco, California 94102

Hawaii State Director
Pacific International Building
677 Ala Moana Boulevard
Suite 512
Honolulu, Hawaii 96813

Superintendent
Hawaii Volcanoes National Park
Hawaii 96718

Dated: May 24, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-12979 Filed 6-5-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M74-135]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1103 to its No. 12-E Mine located at Coal Mountain, West Virginia.

30 CFR 75.1103 provides:

On or before May 29, 1970, devices shall be installed on all such belts (underground belt conveyors) which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

By its petition, Petitioner requests a waiver of the foregoing mandatory safety standard, and proposes as an alternative to said standard the fire-prevention system presently in use in Petitioner's mine.

In support of its petition, Petitioner states:

(1) The conveyor belt system at the subject mine passes through two tunnels before entering the subject mine to service the active production unit.

(2) The foregoing tunnels are not connected to the subject mine, and each has an opening on both sides of the mountain in which the subject mine is located.

(3) These "tunnel" belts are equipped with water lines, a fire hose, rock dust and portable fire extinguishers.

(4) The area of the mine to which the petition pertains is projected to be removed from service in July, 1974.

(5) Petitioner asserts that the proposed alternate method will at all times guarantee no less than the same measure of protection as afforded by the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 8, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MAY 28, 1974.

[FR Doc.74-12952 Filed 6-5-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

WHITE RIVER NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The White River National Forest Multiple Use Advisory Committee will meet at 2 p.m. June 27, 1974 in the Friendship Room of the Valley Federal Savings and Loan Building, 1429 Grand Avenue, Glenwood Springs, Colorado 81601.

The purpose of the meeting is to disband the advisory committee and to brief the group on the current planning efforts on the White River National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Mrs. Betty Ford, telephone area code 303-945-6582. Written statements may be filed with the committee before or after the meeting.

THOMAS C. EVANS,
Forest Supervisor.

MAY 29, 1974.

[FR Doc.74-12941 Filed 6-5-74;8:45 am]

Packers and Stockyards Administration

OLIVE HILL STOCKYARDS ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, location, of stockyard, and date of posting

KY-142, Olive Hill Stockyards, Olive Hill, Kentucky, May 12, 1960.
NC-130, Benthall's Stockyard, Rich Square, North Carolina, April 1, 1959.
OR-119, Salem Auction Yard, Salem, Oregon, May 14, 1960.
PA-129, Silver Spring Livestock Market, Inc., Mechanicsburg, Pennsylvania, November 27, 1959.
TN-125, Henderson Sales Company, Henderson, Tennessee, May 9, 1959.
TN-135, Wilson Livestock Market, Lewisburg, Tennessee, May 5, 1959.
WA-127, Puget Sound Horse and Mule Auction, Olympia, Washington, May 30, 1973.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective June 6, 1974.

(42 Stat. 159, as amended and supplemented; (7 U.S.C. 181 *et seq.*))

Done at Washington, D.C., this 31st day of May 1974.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.74-12951 Filed 6-5-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 26, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the Federal Register, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00448-10-74700. Applicant: National Aeronautics and Space Administration, Langley Research Center, Hampton, Va. 23665. Article: Visual Landing Display System (Components thereto). Manufacturer: Redifon Flight Simulation Ltd., United Kingdom. Intended use of article: The article is intended to be used with an aircraft simulator cockpit and a real-time digital computer to provide a general research facility which will enable research studies of a variety of phenomena associated with piloted aircraft. The phenomena to be studied will be the human factors involved in the man/machine interface for a wide variety of missions in different classes of aircraft. Application received by Commissioner of Customs: May 3, 1974.

Docket Number: 74-00449-90-46040. Applicant: Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio 44106. Article: Electron Microscope, Model JEM 100B and accessories (including scanning attachment). Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a wide range of M.S. or Ph. D. thesis projects and research projects of post-doctoral research associates in the areas of polymer science, physics, chemistry, metallurgy and biology. Among the specific projects are:

1. Effects of Aging on the Composite Structure and Mechanical Properties of Collagen Tissues.
2. Effects of Cyclical Straining on Mammalian Tendon.
3. Effects of Pressure on Adhesion.
4. Crazing in Atactic Polystyrene.
5. Structure-Yield Relationship in Tendon.
6. Physical and Mechanical Characterization of Chemically Modified Polyethylene.
7. The Structure of Cellulose.
8. Deformation of Cellulose and Chitin Fibrils.
9. The Molecular Structure of the Mucopolysaccharides.
10. The Morphology of Crystalline Mucopolysaccharides.
11. Mucopolysaccharide-Polypeptide Interactions in Solution.
12. Biological Membrane Structure.
13. Deformation of Fibrous Proteins-Tropomyosin.
14. Friction and Wear of Polymer Materials.
15. The Mechanism of Low Strain Deformation in Crystalline Polymers.
16. A Study of the Deformation of Polyurethane.
17. Shish-Kabob Deformation.
18. Morphology-Property Relationships in an Amorphous Polymer.
19. Deformation of Polyoxymethylene.
20. Rigid PVC Morphology.

Application received by Commissioner of Customs: May 3, 1974.

Docket Number: 74-00450-33-46070. Applicant: Virginia Commonwealth University, Medical Health Sciences Center, Medical College of Virginia, 1200 East Broad Street, Richmond, Virginia 23219.

Article: Scanning Electron Microscope, Model JSM-S1. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of ocular tissue, normal and pathological, derived from human and animal eyes and their adnexa. Experiments to be conducted include:

(a) investigations of normal and abnormal development of the eye primarily based on teratogenic agents interfering with normal ocular development.

(b) comparison of the morphological configuration of normal and glaucomatous outflow channels and structures from embryonic and post-natal stages of the eye.

(c) studies to detect differences of normal and glaucomatous corneal epithelium and their causes.

(d) study of effects of intense bright light on the receptor organs of the retina and the retinal pigment epithelium and to compare those changes with macular degeneration in man, a not infrequent cause of reduced vision primarily with age.

The article will also be used for training of post-graduate fellows in Research Ophthalmology with main emphasis on ocular fine structure and pathology and for four year NIH traineeship in ophthalmology leading to a career in academic medicine. Application received by Commissioner of Customs: April 29, 1974.

Docket Number: 74–00451–33–90000. Applicant: Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Texas 75246. Article: EMI Scanner-Computerized Axial Tomographic System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for experiments to be conducted on stroke patients studying the effect of strokes on brain tissue, the alterations occurring during healing, and resolution or progression of the stroke lesion. Research in the diagnosis and treatment of brain neoplasm will be performed in an effort to identify tumor type by density variations and to study the effects of various modalities of therapy such as surgery, irradiation and drug therapy. Also to be determined is the efficacy of radiotherapy utilizing variable intensity beams from 17 MEV to 4 MEV and comparison of these with Cobalt and possibly beams as low as 250 KVP. Studies will be performed to evaluate the use of the scanner in hydrocephalus, communicating or non-communicating, and the response to drug therapy, and surgical procedures such as ventriculo-atrial shunt, ventriculo-subarachnoid shunt and choroid plexus ablation. The article will also function as an educational tool by physicians as well as residents in studies of mutual interest. A continuing education course on the use and capabilities of this technique has been scheduled. Application received by Commissioner of Customs: May 6, 1974.

Docket Number: 74–00452–33–46040. Applicant: College of Resources Development, Woodward Hall, University of Rhode Island, Kingston, Rhode Island. Article: Electron Microscope, Model HS–9. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for research in Biological Science, principally in the area of ultrastructure using thin-sectioning and freeze etch replication and associated techniques such as shadowing and autoradiography. In addition, the article will be used for studies of bacteria and viruses by using such methods as negative staining and nucleic acid spreading. The article will also be used to a limited degree for the training of graduate students. Application received by Commissioner of Customs: May 7, 1974.

Docket Number: 74–00457–33–26200. Applicant: Veterans Administration Hospital, 10701 East Blvd., Cleveland, Ohio 44106. Article: Selspot Optoelectron Instrument. Manufacturer: Selcom Electronic Co., Sweden. Intended use of article: The article is intended to be used to acquire kinematic data for the study of gait and other movements of limbs. Various experiments involving the evaluation of total knee and hip replacements and certain types of bracing, and experiments to determine the effectiveness of functional electrical stimulation of the upper extremity will be performed. Application received by Commissioner of Customs: May 6, 1974.

Docket Number: 74–00458–33–84600. Applicant: SUNY, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, New York 11203. Article: Paravac Model 2420, 12 inch Drape Vacuum Forming Machine. Manufacturer: Parall and Sons, Limited, United Kingdom. Intended use of article: The article is intended to be used to fabricate plastic shells for the assurance of proper beam direction in the treatment of cancer by radiation teletherapy. In addition, the article will be used in the instruction of residents in the Department of Radiation Therapy to make plastic molds for each patient thus enabling the resident to learn and practice increased accuracy in the treatment of cancer patients. Application received by Commissioner of Customs: May 6, 1974.

Docket Number: 74–00459–33–90000. Applicant: New York University Medical Center, 550 First Avenue, New York, New York 10016. Article: EMI Brain Scanner. Manufacturer: Electro Medical Industries, United Kingdom. Intended use of article: The article is intended to be used for diagnosis and cure of diseases of the brain by computerized tomographic axial examination, as well as the development of heretofore unavailable techniques for such diagnosis. The article will also be used for the training of neuroradiologists through the study of patients with brain diseases and development of new materials and techniques to prevent diagnosis by non-invasive methodology. Application received by Commissioner of Customs: May 7, 1974.

Docket Number: 74–00460–01–41700. Applicant: University of Illinois at Chicago Circle, P.O. Box 4348, Chicago, Illinois 60680. Article: TEA Laser System, Model TEA–202. Manufacturer: Lumonics Research Limited, Canada. Intended use of article: The article is intended to be used for producing CO_2, HF and DF laser pulses. The article is intended to be used to study the effects of laser radiation on various gas phase chemical reactions. It will be used to excite one of the gases, which then reacts with a second gas. Application received by Commissioner of Customs: May 9, 1974.

Docket Number 74–00462–01–41700. Applicant: Northwestern University, Department of Chemistry, Evanston, Illinois 60201. Article: Mode Locked Dye Laser, Model, SUA–10. Manufacturer: Electro-Photonics Limited, United Kingdom. Intended use of article: The article is intended to be used in studies of molecular processes in the gas phase and liquid phase. The phenomena include studies of photodissociation, electron transfer in solution, hemoglobin kinetics and aspects of photosynthetic conversion of light. Application received by Commissioner of Customs: May 8, 1974.

Docket Number: 74–00464–33–46040. Applicant: University of Massachusetts Medical School, 55 Lake Avenue, North Worcester, Mass. 01605. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for further research on the process of wound healing specifically, the identification of the intracellular mechanisms responsible for the "pull" in the closing of wounds. The article will also be used for research on atherosclerosis and cornary disease which concerns the study of the mechanism of degenerative changes in the coronary arteries.

The article will also be used in part in advanced training in research at the postdoctoral Fellow and Research Associate level. Application received by Commissioner of Customs: May 10, 1974.

Docket Number: 74–00468–99–57300. Applicant: Miami University, Pulp and Paper Technology Department, Oxford, Ohio 45056. Article: 2½ Cu.ft. Digester and B–K Microdigester Assembly. Manufacturer: Pulmac Instruments, Ltd., Canada. Intended use of article: The article is intended to be used for teaching pulp and paper students the methods used in pulping wood and the effect of variables on the quality of the pulp. It will also be used as a research tool to study new pulping processes and to develop new sources of papermaking fibers. Application received by Commissioner of Customs: May 9, 1974.

Docket Number: 74–00478–33–46500. Applicant: Southern Methodist University, Fondren Science Building, Dallas, Texas 75275. ARTICLE: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological, mainly mammalian or parasitic, tissues derived from experimental animals, and exhibit both normal and pathological structure. To be conducted are experiments on the morphology of cells and tissues affected by host-parasite interactions. In addition, variations in the behavior of cells and tissues under experimental pathological conditions will be studied. Application received by Commissioner of Customs: May 15, 1974.

Docket Number: 74–00479–00–46500. Applicant: State University of New York at Buffalo, Department of Pathology, Bell Facility, 180 Race Street, Buffalo, N.Y. 14207. Article: Cryokit, Model LKB 14800–1. Manufacturer: LKB Produkter

AB, Sweden. Intended use of article: The article is intended to be used to obtain ultrathin frozen sections of the adrenal gland for the study of the processes by which steroids are secreted from the cell in the adrenal gland of normal animal models and animals in which hypertension has been experimentally induced. In addition to research the article will be demonstrated as part of the laboratory for a course in electron microscopy. Application received by Commissioner of Customs: May 15, 1974.

Docket Number: 74–00480–33–46500. Applicant: University of Tennessee, Department of Ornamental Horticulture, Ellington Plant Science Bldg., Knoxville, Tenn. 37901. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is to be used for studies of tissue samples of plant parts, exhibiting either normal or experimentally affected anatomy and chemistry. Specifically, the article is to be used to cut thin and ultrathin sections of plastic-embedded tissues for observation of histochemical localization reactions in the light microscope, and for observation of cellular ultrastructure in the electron microscope. The article will also be used to train undergraduate and graduate students interested in ultramicrotomy of plant tissues in the use of the instrument on an individual basis. Application received by Commissioner of Customs: May 15, 1974.

Docket Number: 74–00481–20–61000. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139. Article: One Direct-Simple Shear Device. Manufacturer: Geonor A.S., Norway. Intended use of article: The article is intended to be used to measure the strength and stress-strain properties of soft clays for the particular case where a horizontal shear stress is applied to the sample. This type of test is used in conjunction with other methods of measuring stress-strain-strength properties to study the general topic of anisotropy of soft clays. Application received by Commissioner of Customs: May 15, 1974.

Docket Number: 74–00482–33–40700. Applicant: Duke University Medical Center, Division of Immunology, Department of Microbiology, Box 3010, Durham, North Carolina 27710. Article: Gammacell 40 Irradiation Chamber. Manufacturer: Atomic Energy of Canada, Canada. Intended use of article: The article is intended to be used for studies of the immune responses of irradiated rats, mice etc. Tissue culture of irradiated tumor and other cell lines will be investigated. In the experiments, animals will be irradiated, reconstituted with lymphoid cells and immunization or tolerance induced. In other experiments, lymphocytes will be cultured with irradiated tumor cells. The article will also be used in the course MIC 291–Fundamentals of Immunology. Application received by Commissioner of Customs: May 9, 1974.

Docket Number: 74–00454–33–43400. Applicant: National Institute of Neurological Diseases and Stroke, National Institutes of Health, Building 36, Room 5D–32, Bethesda, Maryland 20014. Article: Automatic Stepping Micromanipulator and Electric Control Unit. Manufacturer: AB Transvertex, Sweden. Intended use of article: The article is intended to be used for holding microelectrodes to obtain satisfactory recordings from auditory sensory cells. Application received by Commissioner of Customs: May 7, 1974.

Docket Number: 74–00463–15–42900. Applicant: University of Minnesota, School of Physics and Astronomy, Minneapolis, Minnesota 55455. Article: Superconducting Magnet. Manufacturer: Thor Cryogenics Ltd., United Kingdom. Intended use of article: The article is intended to be used in a solid state physics research program to control magnets used for adiabatic demagnetization studies of cooling using rare earth alloys and "brute force" nuclear cooling to achieve temperatures of about 1 mK. In addition, low and high field magnets controlled by this supply will be used to polarize very dilute magnetic impurities in Cu, Ag, and Au for nuclear orientation studies of their local magnetic moments.

The individuals working on this project are typically graduate students using the research for their Ph. D. theses, a post-doctoral fellow and an associate professor of physics. Application received by Commissioner of Customs: May 7, 1974.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74–12974 Filed 6–5–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–649; NDA 8–451, etc.; DESI 8451]

COMBINATION DRUGS CONTAINING PAMABROM AND PYRILAMINE MALEATE FOR ORAL USE

Withdrawal of Approval of New Drug Applications

On November 13, 1973, there was published in the FEDERAL REGISTER (38 FR 31355), a notice of opportunity for hearing (DESI 8451) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications listed below.

NDA 8–451; Neo Bromth Tablets containing pamabrom and pyrilamine maleate; formerly marketed by Brayten Pharmaceutical Co., Division of Chattem Drug and Chemical Co., 1715 West 38th Street, Chattanooga, Tennessee 37409.

NDA 8–613; Neoparbrom Tablets containing pamabrom and pyrilamine maleate; formerly marketed by The Central Pharmacal Co., 116–128 East Third Street, Seymour, Indiana 47274.

The basis of the proposed action was the lack of substantial evidence that the drug products are effective for their labeled indications.

Chattem Drug and Chemical Co. elected not to request a hearing concerning Neo Bromth Tablets. No other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing. The holders of the applications have both informed the Administration that the products are no longer marketed.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD–300), 5600 Fishers Lane, Rockville, Maryland 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in its labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above new drug applications and all amendments and supplements applying thereto is withdrawn effective on June 17, 1974.

Shipment in interstate commerce of the above-listed products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: May 29, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–12945 Filed 6–5–74;8:45 am]

National Institutes of Health

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Amended Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, scheduled for June 24 and 25, 1974, National Institutes of Health, Building 31–C, Conference Room 8, and published 39 FR 17248 (May 14, 1974), has been changed to a one-day meeting on June 24, 1974 only, at the National Institutes of Health, Building

31-C, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m. on June 24, to discuss research programs and plans for the first half of FY 1975. Attendance by the public will be limited to space available. Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014 (telephone 301-496-7239), will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.325 and 13.827 National Institutes of Health.)

Dated: May 31, 1974.

SUZANNE L. FREMEAU,
Committee Management Officers, National Institutes of Health.

[FR Doc.74-12970 Filed 6-5-74;8:45 am]

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Research Support Program Advisory Committee, Division of Research Resources, July 1, 1974, National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 8:30 a.m. to 5 p.m., to discuss recommendations for the transitional usage of the NIH General Research Support Program authority, as it pertains to the General Research Support Grant/Biomedical Sciences Support Grant. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of the meeting and roster of Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 496-5545.

The Executive Secretary from whom substantive information may be obtained is Dr. Ciriaco Q. Gonzales, Building 31, Room 4B04, Bethesda, Maryland 20014, 496-6743.

(Catalog of Federal Domestic Assistance Program Nos. 13.337 and 13.375 National Institutes of Health.)

Dated: May 31, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-12971 Filed 6-5-74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on June 27, 1974, from 9 a.m. to 5 p.m., local time and on June 28, 1974 from 9 a.m. to 4 p.m., local time, at the Embassy Row Hotel, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

June 27 and 28: Welcoming of new Council Members
Report on the Development of new Legislation
Report of the Office of Education
Committee Reports

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in Suite 412, 425 13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C. on May 29, 1974.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.74-12972 Filed 6-5-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On June 12-13, 1974, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the Secretary of Transportation.

On June 12 at 9 a.m. in room 4234 the Crashworthiness Committee will meet with the following agenda:

Safety Standards Proposals for Seats (FMVSS 207) and Head Restraints (FMVSS 202)
Child Restraint Safety Standards
History of Air Bag Restraint Development
Members' ESV Conference Reports
Old Business
New Business

The Consumer and Public Information Committee will meet on June 12 at 1 p.m. in room 4234 with the following agenda:

Publication of Costs-Benefits of Motor Vehicle Safety Standards
Defect Notification Procedures
Consumer "Hot Line"
New Business
Old Business

On June 13 at 9 a.m. in room 4234 the full Council will meet with the following agenda:

Report of Crashworthiness Committee
Report of Consumer and Public Information Committee
Report of Congress Committee
Report of Awards Committee and Excalibur Award Balloting
Trip Reports
Effect of Federal Advisory Committee Act on Duration of Council
Old Business
New Business

This notice is given less than 15 days prior to the meeting dates as required by OMB Circular A-63 because the Council has called these meetings on short notice in order to provide the Secretary of Transportation with timely advice on pending rulemaking proposals.

For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW, Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued on: May 30, 1974.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.74-12935 Filed 6-5-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-389]

FLORIDA POWER & LIGHT CO.

Notice for Special Prehearing Conference

In the matter of Florida Power & Light Co. (St. Lucie Plant, Unit 2).

Take Notice, and it is hereby ordered in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Atomic Energy Commission, that a special Prehearing Conference in the above-captioned proceeding will be held commencing at 9:30 a.m. local time on Monday, June 17, 1974, South Courtroom, U.S. District Court, 300 NE First Avenue, Miami, Florida 33101.

The purpose of this special Prehearing Conference is to discuss the status of discovery, questions arising therefrom, proposed schedule for all the procedural dates in the proceeding, and any other matters that would aid in the orderly disposition of the matters heretofore raised.

Issued at Bethesda, Maryland, this 31st day of May 1974.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-12961 Filed 6-5-74;8:45 am]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Reconstitution of Board

In the matter of Virginia Electric and Power Company (North Anna Power Station, Units 1 and 2), Construction Permit Nos. CPPR-77, CPPR-78.

On May 28, 1974, the Atomic Energy Commission ruled that the Atomic Safety and Licensing Board which previously presided over the show cause proceeding involving the North Anna geological fault issue should assume jurisdiction over this proceeding. Mr. R. B. Briggs was a member of the previous Board but is not available for service in this proceeding.

Accordingly, John F. Wolf, Esq., whose address is 3409 Shepherd Street, Chevy Chase, Maryland 20015, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at: Bethesda, Md. this 3rd day of June 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-12982 Filed 6-5-74;8:45 am]

[Dockets Nos. 50-434; 50-435]

VIRGINIA ELECTRIC AND POWER CO. (SURRY POWER STATION, UNITS 3 AND 4)

Schedule for Prehearing Conference

A prehearing conference in the above matter will be held on Wednesday, June 12, 1974, at 10:00 a.m., local time, in the hearing room of the Atomic Safety and Licensing Appeal Panel, Room 550, East-West Towers, 4350 East West Highway, Bethesda, Md. 20014.

Dated at Bethesda, Maryland, this 31st day of May 1974.

For The Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.74-12959 Filed 6-5-74;8:45 am]

[Docket 40-6622]

UTAH INTERNATIONAL, INC.

Availability of Draft Environmental Statement for the Shirley Basin Uranium Mill

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to Utah International's Shirley Basin Uranium Mill currently operating under an interim license in Carbon County, Wyoming, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the local Public Document Room established at the Carbon County Public Library, Courthouse, Rawlins, Wyoming. The Draft Statement is also being made available at the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing, Regulation.

The Applicant's Environmental Report, as supplemented, submitted by Utah International, Inc., is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on September 24, 1970 (35 FR 14865).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by July 29, 1974.

Comments by Federal, State, and local officials, or other interested persons, received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and at the local Public Document Room in the Carbon County Public Library, Rawlins, Wyoming. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the regulatory staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 30th day of May 1974.

For the Atomic Energy Commission.

RICHARD B. CHITWOOD,
Chief, Technical Support Branch, Directorate of Licensing.

[FR Doc.74-12960 Filed 6-5-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 25351; Order 74-6-3, etc.]

AIR FRANCE ET AL.

Foreign Air Carrier Permit Applications; Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of June 1974.

Applications of Compagnie Nationale Air France (Air France), Docket No. 25351; Deutsche Lufthansa Aktiengesellschaft (Lufthansa), Docket No. 25400; Japan Air Lines Company, Ltd., Docket No. 25352; KLM Dutch Royal Airlines, Docket No. 25333; Societe Anonyme Belge d'Exploitation De La Navigation Aerienne (SABENA), Docket No. 25369; Scandinavian Airlines System (SAS), Docket No. 25466 for renewal and amendment of foreign air carrier permits.

Applications have been filed by each of the six above-named foreign air carriers for renewal of their foreign air carrier permits [1] granting, inter alia, conditional stopover authority at Anchorage, Alaska to through passengers on scheduled flights operated over their polar routes between points in Europe and points in Japan.[2] Four of the six carriers [3] additionally request amendment of their permits to allow deviation from restrictive stopover conditions in certain emergency situations as the Board may by order or regulation authorize.

At present, the subject permits allow passengers originally ticketed to be carried between a point in Japan and a point in Europe on a scheduled flight operated by the carrier between Japan and Europe to disembark at Anchorage; however, such stopover traffic must subsequently reembark on a scheduled flight of the carrier and be transported in accordance with the original routing as specified in the ticket. The requested amendments would allow departure from these stopover conditions in certain emergency situations, as specified by Board order or regulation. The permit amendments themselves would not be self-executing, but would rather be dependent upon a separate Board order or regulation implementing the permit amendment by specifying the types of emergency situations involved and the authority granted in such emergency

[1] The permits held by Air France, Lufthansa, Japan Air Lines (JAL), KLM, and SAS were approved by the President of the United States on April 30, 1968, and issued pursuant to Order E-26740, served May 3, 1968. SABENA's permit was approved by the President on February 1, 1969, and issued pursuant to Order 69-2-8, served February 4, 1969.

[2] In addition to stopover authority, the permits held by KLM, Lufthansa, and SABENA authorize the carriers to engage in foreign air transportation between points in Europe and the terminal point Anchorage, Alaska (or Fairbanks, Alaska in the case of Lufthansa). Air France and SAS were granted similar European-Alaska foreign air transportation authority by separate permits not at issue here. Japan Air Lines has no such European-Alaska authority, other than its conditional stopover authority.

[3] Air France, JAL, Lufthansa, and SAS.

situations. The particular emergency situations envisioned by the carriers include mechanical failures which will require a substantial period of time to repair, medical emergencies, personal emergencies, and other emergencies beyond the control of the carrier. In such emergency situations, the carriers request authority to (1) reembark at Anchorage and return to point of origin traffic which was originally ticketed to be carried between Japan and Europe, and (2) allow traffic to connect with other carriers proceeding either to the point of origin or to the originally ticketed point of destination of such traffic.

Upon consideration of the applications of the six carriers and all the relevant facts, we have decided to issue an order to show cause why the requested renewal and amendment of the foreign air carrier permits in question should not be granted.[4] In this regard, we tentatively find and conclude that the public interest requires the requested renewal and amendment of these permits.

With respect to the requests of the carriers for renewal of their permits, we make the following tentative findings and conclusions. The six carriers presently operate the following schedules on their polar routes between Europe and Japan via Anchorage: [5]

Carrier	Weekly round trips	European points
Air France	2 (B707); 4 (B747).	Paris.
JAL	7 (B747)	Amsterdam, Copenhagen, London, Hamburg, Frankfurt, Paris.
KLM	3 (DC-10)	Amsterdam.
Lufthansa	2 (B707); 1 (B747); 1 (DC-10).	Copenhagen, Hamburg, Frankfurt.
SABENA	1 (DC-10)	Brussels.
SAS	2 (B747)	Copenhagen.

All of the carriers except Air France and SAS presently utilize their conditional stopover authority at Anchorage on the above flights. Additionally, each of the six carriers has provided 19 or more years of foreign air transportation services pursuant to permits issued by the Board. In issuing the present permits, the Board found each of the carriers to be fit, willing, and able to properly perform the requested foreign air transportation,[6] and we tentatively find that there have been no intervening circumstances affecting the carriers' ability to perform which would warrant a different finding at this time. Accordingly, we tentatively conclude that renewal of each of the six subject foreign air carrier permits for a period of five years would be in the public interest.

With respect to the requests of the carriers for amendment of their permits, we make the following tentative findings and conclusions. The requested authority would be exercisable only in extraordinary emergency situations, and thus would not significantly derogate from the original restricted stopover authority. The public interest in the well-being, safety, and convenience of passengers would be served by substituted emergency transportation authority, and such transportation authority will not infringe upon the interests of other air carriers or the United States. In view of this, we tentatively conclude that the requested amendments be approved. As amended, the conditional stopover restrictions in the carriers' permits would read, in part, as follows:

The authority granted herein shall be limited (except as may otherwise be authorized in emergency situations by Board order or regulation) to the disembarking at Anchorage * * *[7]

Upon issuance of an order making final the tentative findings, conclusions, and amendments contained herein, the Board will issue an order implementing that language and specifying the types of emergency situations covered by the permit amendments, the authority granted in such emergency situations, and such other limitations or conditions upon the grant of authority which the Board deems proper and necessary. Tentatively, the Board intends to implement the language in question by permitting the named carrier, in emergency situations, to reembark at Anchorage and return to the point of origin traffic which originally was scheduled to be transported by the carrier between a point in Europe and a point in Japan, or to allow such traffic to connect at Anchorage with other carriers proceeding either to the point of origin or to the originally ticketed point of destination of such traffic. The emergency situations comprehended within this grant of authority shall be limited to situations involving substantial mechanical failure or damage to the aircraft which will require a substantial period of time to repair, or medical emergencies due to illness or injury to a passenger. Within 30 days after any such emergency transportation is provided, the original carrier will be required to file a report with the Director, Bureau of Operating Rights, setting forth the circumstances of such carriage. This report would include:

(1) Names of all carriers, and dates, flight numbers, and routing of all flights involved;

(2) In cases of medical emergency transportation, the name of the passenger so transported;

(3) In cases of emergency transportation due to mechanical failure, the number of passengers and tons of cargo so transported; and

(4) Description of the circumstances which made substitute emergency transportation necessary, including evidence which the original carrier obtained to substantiate the need for emergency transportation (e.g., physician's report, accident or mechanics report).

Interested persons will be given 20 days following this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing which cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered That:

1. All interested persons are directed to show cause why the Board should not issue orders making final the tentative findings and conclusions stated herein and (1) renewing and amending the foreign air carrier permits held by Compagnie Nationale Air France, Deutsche Lufthansa Aktiengesellschaft, Japan Air Lines Company, Ltd., KLM Royal Dutch Airlines, Societe Anonyme Belge d'Exploitation de la Navigation Aerienne (SABENA), and Scandinavian Airlines System in the manner set forth herein,[8] and (2) implementing the conditional stopover authority amendments in the manner set forth herein;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or permit amendments set forth herein shall, within 20 days of the date of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data, or other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised

[4] Although KLM and SABENA did not request amendment of their permits, we propose to amend the permits of all six carriers in order to maintain uniformity of stopover authority.

[5] International OAG, May 1974.

[6] These findings are set forth in the Board's orders issuing the present permits. See fn. 1. Additionally, the Board has had the opportunity to review the fitness of several of these carriers on subsequent occasions. See Order 69-12-58, served December 15, 1969 (Air France); Order 73-7-12, served July 9, 1973 (Lufthansa); Order 70-8-66, served August 19, 1970 (JAL); and Order 70-3-143, served March 30, 1970 (KLM).

[7] In the cases of KLM, Lufthansa, and SABENA, the amended permits would read as follows:

"The holder in providing service over segment 2 of this permit shall: Be limited (except as may otherwise be authorized in emergency situations by Board order or regulation) to disembarking at Anchorage. * * *"

[8] The renewed permits would inherently authorize the commingling of certain "blind sector" traffic (Europe-Asia transit passengers not stopping over in Alaska) with traffic moving in foreign air transportation (the stopover traffic), and, accordingly, no additional Part 216 authorizations are required. Moreover, Part 216 authorizations previously issued to SAS, Air France, and Lufthansa for certain other commingling operations remain in effect (see Orders E-26741, E-26742 and E-26743).

by the objections before further action is taken by the Board; [9]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Compagnie Nationale Air France, Deutsche Lufthansa Aktiengesellschaft, Japan Air Lines Company, Ltd., KLM Dutch Royal Airlines, Societe Anonyme Belge d'Exploitation de la Navigation Aerienne (SABENA), and Scandinavian Airlines System.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13003 Filed 6-5-74;8:45 am]

[Docket No. 25513; C.A.B. 24397; Order 74-5-146]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of May 1974.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement which has been assigned the above-referenced C.A.B. agreement number was adopted as a result of discussions held at the Montreux Passenger and Cargo Conference in March 1974 and relates to increasing passenger fares in the North and Central Pacific due to increasing prices of fuel.

The agreement would increase by four percent passenger fares intended for application on or after July 1, 1974 over the North and Central Pacific. The amount of increase applicable for Honolulu applies to all points in Hawaii; the amount of increase for Anchorage applies to all points in Alaska, and the amount of increase for Los Angeles applies to all other points in IATA Traffic Conference (Western Hemisphere).

The purpose of this order is to establish procedural dates for the receipt of justification, comments and replies in support of, or in opposition to, the agreement. All U.S. carrier members of IATA operating passenger services in the North and Central Pacific are required to submit complete and detailed justification in support of the agreement. The data presented in their justifications should include, but not be limited to, actual or contractual prices per gallon for fuel since September 1973 and financial forecasts, including traffic and capacity projections and estimated fuel consumption, for the year ending June 30, 1975, with and without the proposed increases, and the revenue gain anticipated from implementing the instant agreement as well as the revenue gain from previous fuel-related agreements.

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transport Association operating passenger services over the North and Central Pacific shall file within ten calendar days after the date of this order, full documentation and economic justification (as described above) in support of the subject agreement,

2. Comments and/or objections from interested persons shall be submitted within twenty calendar days after the date of this order; and

3. Tariffs implementing the subject agreement shall not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13000 Filed 6-5-74;8:45 am]

[Docket No. 11278 etc.; Order 74-6-5]

NEW YORK-SAN JUAN CARGO RATES INVESTIGATION

Order Terminating Report Requirement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of June 1974.

By Order 72-3-78, dated March 23, 1972, the Board terminated the New York-San Juan Cargo Rates Investigation, Docket 11278 et al. and revoked the minimum rates prescribed therein. However, the order continued the requirement that certain carriers [1] submit to the Bureau of Accounts and Statistics monthly reports on CAB Form T-94 setting forth data on traffic and revenue between New York and San Juan, Puerto Rico.

The Board no longer has need for the reported data, and finds that requiring their continued submission would serve no useful purpose.

Accordingly, it is ordered That:

The reporting requirements of Order 72-3-78, as they relate to Airlift International, Inc., American Airlines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc. are hereby terminated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13002 Filed 6-5-74;8:45 am]

[Dockets Nos. 26754, 26755; Order 74-5-145]

TRANS WORLD AIRLINES, INC., ET AL.

Youth and Student Standby Fares; Investigation and Suspension, Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of May 1974.

In the matter of student fares proposed by Trans World Airlines, Inc., Docket No. 26754; and Youth and student standby fares of Continental Air Lines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., Docket No. 26755.

By tariff revision [1] marked to become effective June 1, 1974, Trans World Airlines, Inc. (TWA) proposes to establish student fares between Guam, on the one hand, and Hawaii and points in the mainland United States, on the other hand, which match existing student fares applicable via Pan American World Airways, Inc. (Pan American).

In support of its proposal TWA alleges that the fares meet present student fares of Pan American.

No complaints were filed.

On the basis of the facts and information available, the Board concludes that the proposed student fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. In view of the clear question of discrimination inherent in the proposal, we further conclude that it should be suspended pending investigation. At the same time the Board tentatively concludes that Pan Amercian's existing student fares in the Guam-Hawaii/mainland markets may be unjustly discriminatory. The Board, therefore, will direct all interested parties to show cause why Pan American should not cancel its existing student fares.[2]

The Board has previously found discount fares limited to students to be unjustly discriminatory.[3] Further, the Board's recent decision in the Discount Fare Phase of the Domestic Passenger-Fare Investigation (Docket 21866-5) found that youth and family fares are unjustly discriminatory and ordered

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[9] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[1] Airlift International, Inc., American Airlines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc.

[1] Revisions to Trans World Airlines, Inc., Tariff C.A.B. No. 208.

[2] We will also include in the show cause proceeding the following youth and student fares which apply in the same general geographic area and raise the same questions of lawfulness: (1) Continental Air Lines, Inc's student fares between points in the Trust Territory of the Pacific and Hawaii; (2) Pan American's youth standby and student fares between Pago Pago, American Samoa, on the one hand, and Hawaii and the continental United States, on the other hand; (3) Pan American's youth standby and student fares between Guam and Alaska; and (4) Pan American's and TWA's youth standby fares between Guam, on the one hand, and Hawaii and west coast points in the Continental United States, on the other hand.

[3] Capital Group Student Fares, 25 C.A.B. 280 (1957). See also Order 70-7-129, dated July 29, 1970, wherein the Board suspended student group fares proposed by the intra-Hawaiian carriers, which were subsequently canceled by the carriers.

their phased cancellation by June 1, 1974.[4] The fares here in question, limited as they are to students or youths, would appear to be inconsistent with those decisions. Although Pan American's student fares to Guam have been in effect without change well over two years, Trans World is just now seeking to match them. Thus, it appears that Trans World's inability to match them during the pendency of the show cause proceeding we are initiating should have little adverse effect on it.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered That:

1. An investigation be instituted in Docket 26754 to determine whether the fares and provisions described in Appendix A hereto,[5] and rules, regulations, and practices affecting such fares and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including August 29, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

4. All interested parties, and particularly Continental Air Lines, Inc., Trans World Airlines, Inc., and Pan American World Airways, Inc., are hereby directed to show cause, Docket 26755, why the Board should not make final its tentative findings and conclusions herein with respect to existing youth and student fares and, upon the basis of such findings and conclusions, order the respective carriers to cancel the youth and student fares described in Appendix B.[6] All responses and comments submitted pursuant to this paragraph shall be filed within 20 days after the service of this order; and

5. Copies of this order will be filed with the aforesaid tariff[7] and be served upon Trans World Airlines, Inc., which is hereby made a party to the investigation ordered in paragraph 1 (Docket 26754), and upon Continental Air Lines, Inc., and Pan American World Airways, Inc.

This order will be published in the FEDERAL REGISTER.[8]

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13001 Filed 6-5-74;8:45 am]

[4] See Order 73-5-2, dated May 1, 1973.

[5] Appendix A filed as part of the original document.

[6] Appendix B filed as part of the original document.

[7] Tariff C.A.B. No. 208, issued by Trans World Airlines, Inc.

[8] Appendices A and B filed as part of the original document.

CIVIL SERVICE COMMISSION

ADVISORY COUNCIL ON INTERGOVERNMENTAL PERSONNEL POLICY

Notice of Public Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the Advisory Council on Intergovernmental Personnel Policy will be held from 8:30 a.m., Tuesday, June 25, through 4:30 p.m., Thursday, June 27, 1974.

The meeting will be held in Room 5A06A (Enter 5H09) of the Civil Service Commission Building, 1900 E Street, NW, Washington, D.C.

The Advisory Council's responsibility is to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) Improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) Strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) Aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) Aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) Facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

At this meeting the Council will consider policy alternatives in the areas of equal employment opportunity and labor management relations in the public service. Time will also be devoted to an examination of a discussion paper on "Manpower Development for State and Local Governments."

The meeting will be open to the public. Seating will be available to accommodate up to twenty observers. No time will be devoted during the meeting to participation or presentations by members of the public. However, individuals and groups are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Council's attention. Such material should be addressed to: Chairman, Advisory Council on Intergovernmental Personnel Policy, Room 2315, 1900 E Street, NW, Washington, D.C. 20415, Attention: Executive Secretary.

Persons wishing additional information concerning this meeting should contact the Executive Secretary at the above address or by telephone (202) 632-6248.

E. C. WAKHAM,
Executive Secretary, Advisory Council on Intergovernmental Personnel Policy.

[FR Doc.74-13004 Filed 6-5-74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, June 19, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

Richard H. Hall,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-13005 Filed 6-5-74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, June 26, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-13006 Filed 6-5-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF COTTON TEXTILES

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Entry or Withdrawal From Warehouse for Consumption

JUNE 3, 1974.

On March 5, 1974, there was published in the FEDERAL REGISTER (39 FR 8374), a letter dated February 27, 1974, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Poland and exported to the United States during the twelve-month period beginning March 1, 1974. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 17 of the Bilateral Cotton Textile Agreement of March 15, 1967, as amended and extended, between the Governments of the United States and the Polish People's Republic, which provides for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of June 3, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 43, produced or manufactured in Poland and exported to the United States during the twelve-month period which began on March 1, 1974.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JUNE 3, 1974.

DEAR MR. COMMISSIONER: On February 27, 1974, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning March 1, 1974 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Poland in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 17 of the Bilateral Cotton Textile Agreement of March 15, 1967, as amended and extended, between the Governments of the United States and the Polish People's Republic, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of February 27, 1974 for cotton textile products in Category 43 to 141,709 dozen.[2]

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton textiles and cotton textile products from the Polish People's Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-12973 Filed 6-5-74;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 15, 1967, as amended and extended, between the Governments of the United States and the Polish People's Republic, which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect any entries made on and after March 1, 1974.

COUNCIL ON ENVIRONMENTAL QUALITY

ADVISORY COMMITTEE ON ALTERNATIVE AUTOMOTIVE POWER SYSTEMS

Notice of Meeting

Notice is hereby given that the Council on Environmental Quality's Advisory Committee on Alternative Automotive Power Systems will hold its next meeting in Pasadena, California on June 13 and 14, 1974. The session, which is open to the public, will commence at 9:00 a.m., Thursday, June 13, at the Jet Propulsion Laboratories, 4800 Oak Grove Drive, Pasadena, California, in Building 180, Room 101.

The agenda for this meeting will include a review of the status of the Environmental Protection Agency's Alternative Automotive Power Systems program, Jet Propulsion Laboratories' hydrogen fuel and alternative engines program, and the Atomic Energy Commission's work on high efficiency storage batteries and flywheel applications.

A list of advisory committee members is available from, and requests for additional information should be made to: Barrett J. Riordan, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-13088 Filed 6-5-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20064; File No. BR-549; FCC 74-529]

CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

License Renewal Applications; Memorandum Opinion and Order; Hearing

In re applications of Chicago Federation of Labor and Industrial Union Council for renewal of license of station WCFL, Chicago, Illinois.

1. The Commission has before it the above-captioned license renewal application on remand from the United States Court of Appeals for the District of Columbia Circuit.

2. On September 1, 1970, the Chicago Federation of Labor and Industrial Union Council tendered an application for renewal of its license for standard broadcast Station WCFL, Chicago Illinois. However, Better Broadcasting Council, Inc., The Task Force for Community Broadcasting, and the Illinois Citizens Committee for Broadcasting timely filed a petition to deny that renewal application on November 2, 1970. Briefly, the petitioners alleged that substantial and material questions of fact existed with regard to the licensee's ascertainment of community problems, its proposed programming, and the station's commercial and program classification practices. The character qualifications of the licensee were also challenged by the petitioners.

3. After consideration of the matters set forth in the various pleadings, the Commission denied the aforenoted petition to deny and granted the WCFL license renewal application. Chicago Federation of Labor and Industrial Union Council, 38 FCC 2d 417, 25 RR 2d 1147, (1972). Petitioners appealed our action (Case No. 72-2235), filing their brief with the United States Court of Appeals for the District of Columbia Circuit on July 16, 1973. Upon a review of the brief and a subsequent re-examination of the record, it was determined that the Commission, due to an oversight, had failed to consider facts which have a bearing on some of the matters raised by petitioners. On March 29, 1974, the Commission requested the Court to remand this case for the Commission's further consideration. On April 17, 1974, the Court granted the Commission's unopposed motion.

4. As noted by petitioners in their brief before the Court, the Commission by letter of October 30, 1970 requested the licensee to supply a brief description of three of the programs listed on the 1970 composite week logs (i.e., Jerry G. Bishop Show, Ron Riley Show, and Dick Williamson Show) so as to enable the Commission to ascertain whether those programs were properly classified as public affairs programs. It was also pointed out in the letter that the licensee's listing of illustrative programs broadcast during the twelve months preceding the filing of the WCFL applications contained programming whose classification as public affairs programs did not appear to be in accord with the Commission's program definitions.[1] The following programs were specifically noted by the Commission: Ghost Show, Red Mottlow Baseball Show, Duke Ellington, Sports

[1] Note 1(d) of Rule 73.112 defines public affairs programs as including "talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, roundtables, and similar programs primarily concerning local, national, and international public affairs."

Special, Pop Goes the Music, Dick Biondi Labels the Blues, This is Elvis, Dick Biondi and Friend, Memphis Sunshines Again, In the Beginning, and Biondi Vietnam Show.

5. In its response, dated November 9, 1970, the licensee claimed that the Jerry G. Bishop Show, the Ron Riley Show and the Dick Williamson Show utilized the same basic format, namely, telephone call-ins from listeners to express their opinions on matters of local, national and international interest or to otherwise comment upon a subject under discussion with a particular guest. In the licensee's opinion, these programs were properly classified as public affairs. It was further stated that Dick Biondi and Friend was a talk show in which the guest, a prominent music personality, discussed various matters of public concern and that the Red Mottlow Baseball Show was an award-winning, special documentary commemorating the 100th anniversary of baseball in the United States and featuring a discussion of the history, current status and future of baseball and interviews with baseball personalities. These programs were also claimed to fall within the Commission's definition of public affairs programming. However, the licensee acknowledged that eight of the remaining programs questioned in our October 30, 1970 letter probably should not have been classified as public affairs, and indicated a similar willingness to accept the Commission's determination that another program, Ghost Show, was also misclassified. No further description was furnished with respect to the Duke Ellington and Sports Special programs.

6. Originally, petitioners alleged that the licensee misrepresented Station WCFL's past programming by improperly classifying two musical programs, the Dick Williamson Show and the Dick Biondi Show,[2] as public affairs presentations. Based upon a review of the petitioners' pleadings and the licensee's description of the challenged programs which was set forth in its opposition pleading, the Commission held that while the Dick Williamson Show was properly classified, the other program (the Dick Biondi Show) should not have been classified as entirely public affairs. We further concluded that: "absent other evidence, the mere fact that a licensee misclassified one or two programs does not compel the conclusion that the licensee is guilty of intentional wrongdoing" and that "There is no evidence which would support a conclusion of deliberate misrepresentation; nor is there any evidence which would establish a pattern of such misclassification." 38 FCC 2d at 424, 25 RR 2d at 1155. In reaching this latter conclusion, however, the Commission inadvertently omitted from its consideration the October 30, 1970 letter and the licensee's response thereto. The extent of the program misclassifications as reflected in the previously overlooked material, and the apparent absence of public affairs characteristics for several of those programs, compels the Commission to reverse its earlier determination. On the basis of the information before us, we find that a serious question is raised as to whether the licensee sought to misrepresent the extent of its public affairs programming.[3] The Commission is, therefore, unable to make the statutory finding that a grant of the license renewal application for Station WCFL is consistent with the public interest, convenience, and necessity, and is of the opinion that the foregoing matter should be explored in an evidentiary hearing.[4]

7. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned license renewal applications, are designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether, through the use of improper program classifications, the Chicago Federation of Labor and Industrial Union Council deliberately misrepresented Station WCFL's public affairs programming and, if so, whether such conduct adversely reflects upon the qualifications of the Chicago Federation of Labor and Industrial Council to be a Commission licensee.

(2) To determine whether, in light of the evidence adduced pursuant to the foregoing issue, a grant of the application for renewal of license of Station WCFL would serve the public interest, convenience and necessity.

8. *It is further ordered*, That the petition to deny, filed by Better Broadcasting Council, Inc., The Task Force for Community Broadcasting, and the Illinois Citizens Committee for Broadcasting, is granted to the extent indicated above.

9. *It is further ordered*, That, Better Broadcasting Council, Inc., The Task Force for Community Broadcasting, and the Illinois Citizens Committee for Broadcasting are made parties to the hearing ordered herein.

10. *It is further ordered*, That, in accordance with section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence with respect to issue (1) shall be on the parties respondent. The burden of proceeding as to issue (2) and the burden of proof with respect to both issues herein shall be upon the Chicago Federation of Labor and Industrial Union Council.

11. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the Chicago Federation of Labor and Industrial Union Council and the parties respondent, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

12. *It is further ordered*, That, the Chicago Federation of Labor and Industrial Union Council shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 22, 1974.

Released: May 31, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-12987 Filed 6-5-74;8:45 am]

[Docket No. 20060, File No. BP 19559 etc.]

COMMUNITY BROADCASTING COMPANY, INC. ET AL.

Construction Permit Applications; Hearing

In re applications of Community Broadcasting Company, Inc. (WKUN), Monroe, Georgia, Docket No. 20060, File No. BP-19559 (Has: 1580 kHz, 1 kW, Day; Requests: 1490 kHz, 250 W, 1 kW-LS, U), Charles Haasl, James N. Williamson, and Raymond Dehler, a joint venture, Monroe, Georgia, Docket No. 20061, File No. BP-19620 (Requests: 1490 kHz, 250 W, 1 kW-LS, U), Monroe Broadcasting, Inc. Monroe, Georgia, Docket No. 20062, File No. BP-19621 (Requests: 1490 kHz, 250 W, 1 kW-LS, U), for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same frequency in the same community.

2. Community Broadcasting Company, Inc., has failed to interview any labor leaders in its survey of community needs and interests. As a result, a question exists as to whether the applicant has complied fully with Commission requirements as expressed in the *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650

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[1] It appears that this program is the Biondi Vietnam Show referred to in our letter of October 30, 1970.

[3] The Commission has limited its reevaluation to the record as certified to the Court on January 30, 1973. Except to the extent indicated above, we reaffirm our earlier Memorandum Opinion and Order for the reasons stated therein.

[4] On August 31, 1973, the licensee timely submitted the WCFL renewal application covering the forthcoming triennial license term (December 1, 1973 through December 1, 1976). Proof of the licensee's compliance with the local publication requirements of Rule 1.580 was also tendered at that time. No petition to deny that application has been filed. While we could delay consideration of the 1973 renewal application until resolution of the issues specified herein, the Commission believes that the more appropriate procedure is to designate for hearing both renewal applications.

[5] Commissioner Robert E. Lee dissenting and statement filed as a part of the original document; Commissioner Quello not participating.

(1971). See *Voice of Dixie, Inc.*, 45 FCC 2d 1027 (1974). Accordingly, a Suburban issue [1] has been included.

3. Charles Haasl, James N. Williamson, and Raymond Dehler, a Joint Venture, has failed to contact and interview labor leaders in its survey of the needs and interests of the community. Further, the applicant has failed to state who conducted the survey of the general public. Accordingly, a Suburban issue has also been included as to this applicant.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceedng, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Community Broadcasting Company, Inc., and Charles Haasl, James N. Williamson, and Raymond Dehler, a Joint Venture to ascertain the community problems of the area to be served and the means by which the applicants propose to meet those problems.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 29, 1974.

Released: May 31, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-12986 Filed 6-5-74;8:45 am]

[1] Suburban Broadcasters, 20 RR 951 (1961).

[FCC 74-573]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Extension of Time for New Procedures on Petitions to Deny Applications

MAY 31, 1974.

The Commission on May 2, 1974 extended the time afforded to licensees in the Domestic Public Land Mobile Radio Service (DPLMRS) to comply with the new procedures relating to petitions to deny applications based on allegations of economic injury, see Commission Public Notices 10980 (April 17, 1974) and 11360 (May 2, 1974).

We now find that more time will be needed to reach a decision on the merits of those pleadings filed in response to the announcement of the new procedures.

Accordingly, the effective date for the necessary withdrawal of petitions based upon allegations of economic injury is hereby extended to July 1, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-12985 Filed 6-5-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 73-35]

PORT OF PHILADELPHIA

Intermodal Service of Containers and Barges

By Order dated June 18, 1973, the Commission instituted the subject investigation into possible violations of the Shipping Act, 1916, the Intercoastal Shipping Act, 1933, the Merchant Marine Act of 1920, and the Merchant Marine Act of 1936, resulting, inter alia, from alleged diversion of cargo from the Port of Philadelphia to other ports of exit or entry and absorption of the costs of inland transportation of such cargo.[1] This Order itself is broadly worded and states that:

There is reason to believe that * * * service [other than by direct ocean vessel calls] may include rail, motor and/or water carriage of cargo to and from the Port of Philadephia from and to other East Coast ports in the domestic and foreign trades.

Thereafter, the ordering paragraphs themselves state in pertinent part:

(1) That * * * an investigation shall be instituted to determine whether the practices, past or present, by container or barge type of operators serving Philadelphia other than by direct ocean vessel call, whether it be by rail, highway or water * * *

violate certain provisions of the various acts; and

(2) That the steamship companies and conferences as listed in the appendix hereto, are hereby named respondents in the proceeding * * *.

Along with a number of other carriers, American President Lines, Ltd. (APL) was named a respondent in this proceeding as a member of the Marseilles North Atlantic U.S.A. Freight Conference (Agreement 5660), as a member of the Far East Conference and as a member of the Japan-Atlantic and Gulf Freight Conference. Not specifically named as respondent is any conference or agreement servicing the Southeast Asia Trade.

On January 15, 1974, APL filed a Motion for Leave to Serve Interrogatories upon six respondents and one other party regarding the Southeast Asia Trade. APL stated in its motion that it:

* * * hopes to show that there is not adequate direct or all-water container service between Philadelphia and the countries of Southeast Asia served by APL. To that end it wishes to inquire of the six respondents currently advertising service between Philadelphia and Southeast Asia as to volume and frequency of these movements of containers in these trades.

On February 14, 1974, Judge Kline denied APL leave to serve its interrogatories on the ground that:

* * * the information which APL is seeking relates to activities in trade areas which were not included in the Commission's order of investigation.

Following issuance of Judge Kline's ruling, APL filed a "Motion to Reconsider Ruling on Motion for Leave to serve Interrogatories", arguing that in its view, the Southeast Asia trade is encompassed within the "text of the order" even if not specified in the "service list" of respondents provided in the appendix. It urged that the broad language of the order should not be limited by the Order's appendix listing the relevant trades and conferences.

Hearing Counsel filed a Reply supporting the motion only because it was of the opinion that granting of this motion would not lead to unnecessary delay in the proceeding. On March 26, 1974, Judge Kline denied APL's motion once more. This denial was based on the ground that the order of investigation did not encompass the trade area about which APL sought information.

Following issuance of this ruling, APL filed an appeal. Pursuant to what APL characterizes as two possible interpretations of Commission Rule 10(m), APL sought:

1. Leave of the Administrative Law Judge to appeal his rulings to the Commission; and

2. Review as of right by the Commission.

Alternatively, should they not obtain reversal of Judge Kline's rulings, APL requests amendment of the Order of Investigation in this proceeding in order to encompass specifically the "Trade between Philadelphia and the ports in the

[1] Subsequently, on April 5, 1974, the Commission designated this case as a vehicle for announcing "the general principles" relating to equalization, absorption and minibridge, which will apply in all other cases.

Singapore-Karachi range." In so doing, APL explains:

> * * * APL needs and is entitled to a decision as to the lawfulness of an occasional overland carriage of containers moving between Philadelphia and Southeast Asia. It cannot obtain that decision because of the confluence of three erroneous decisions: (1) We cannot raise the issue in Dkt. 73-35 because the presiding officer has ruled it outside the investigation; (2) we cannot raise it in Dkt. 71-70 because APL has been dismissed from that proceeding; (3) we cannot engage in the practice, leaving it to any who wished to complain or investigate, because it is under an injunction pending completion of Commission proceedings; [sic] (4) it cannot dissolve that injunction because the District Court erroneously believes the proceedings in Dkt. 71-70 not to have been terminated as against APL; (5) the District Court error derives from the error of the Commission in subjecting the satisfactions of complaint in Dkt. 71-70 to § 15 notice and comment and then ignoring the matter for half a year.

APL then proceeded to argue that the original order of investigation includes the Southeast Asia trade area. It reiterated its contention that the text of the order controls the appendix, and urged that sufficient notice of the investigation had been provided the trade by virtue of publication of that order. It concluded by specifically requesting:

(1) That the presiding officer allow this appeal;

(2) If he should refuse, that the appeal be considered by the Commission as of right; and

(3) That the rulings of the presiding officer of February 14, and March 26, 1974, be revised; or

(4) That the appendix to the order of investigation in this proceeding be amended as proposed above.

Reply to this Motion was filed by the Philadelphia Port Interests.[3] The port interests opposed granting of the appeal because they feared undue further complication and delay of "a proceeding * * * which is already difficult enough to manage * * *" and because allowance would provide a procedure which would allow other parties to "utilize this investigation for their own narrow purpose" adding further delay and confusion.

Judge Kline, on April 19, 1974, granted permission to appeal his rulings and certified the matter to the Commission stating:

> * * * since at least two of APL's requests must be decided by the Commission rather than the Judge, i.e., the petition to act on the settlements [not here involved] and the motion to amend the Order in No. 73-35, it would make little sense to hold back from the Commission consideration of the * * * appeal from the adverse rulings, which are part of the total picture and also bear upon interpretation of the Commission's order.

Accordingly, the appeal is allowed and the matter is being certified to the Commission for its action.

[3] Delaware River Port Authority, Commonwealth of Pennsylvania, City of Philadelphia, Philadelphia Port Corporation, International Longshoreman's Association (Philadelphia District Council), and Port of Philadelphia Marine Trade Association.

The appeal and motion are before us for determination. After having reviewed these proceedings in light of our Order of Investigation, we conclude that Judge Kline's rulings on the various requests of APL were correct. However, since we have heretofore designated this a leading case, we believe that an examination of the problems involving diversion and absorption at the Port of Philadelphia include such problems in the Southeast Asia trade. To that end, we are amending our original Order of Investigation as requested by APL.

Therefore, *it is ordered*, That the Order of Investigation be amended by the addition of the phrase: "(including the trade between Philadelphia and the ports in the Singapore-Karachi range)" following the recitation of American President Lines, Ltd. under headings "Far East Conference" and "Japan-Atlantic & Gulf Freight Conference" in the Appendix to the Order of Investigation.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13029 Filed 6-5-74;8:45 am]

FEDERAL RESERVE SYSTEM

FIDELITY AMERICAN BANKSHARES, INC.

Proposed Acquisition of Security Finance Corporation of Spartanburg

Fidelity American Bankshares, Inc., Lynchburg, Virginia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire voting shares of Security Finance Corporation of Spartanburg, Spartanburg, South Carolina. Notice of the application was published in the local areas where the proposed subsidiary presently conducts business.

Applicant states that the proposed subsidiary would engage in the activities of (a) making installment loans to individuals for personal, family, or household purposes; (b) purchasing sales finance contracts executed in connection with the sale of personal, family, or household goods or services; (c) rediscounting notes receivable of independent small loan companies; (d) acting as agent in selling credit life insurance, credit disability insurance, and property insurance offered in connection with certain personal installment loans made and sales finance contracts purchased; and (e) underwriting reinsurance with respect to the credit life insurance written by the finance companies, and reinsurance on debtors of the sales finance subsidiary. Applicant states that such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 27, 1974.

Board of Governors of the Federal Reserve System, May 30, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12962 Filed 6-5-74;8:45 am]

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The Farmers Bank of Bowling Green, Bowling Green, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 17, 1974.

Board of Governors of the Federal Reserve System, May 30, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12963 Filed 6-5-74;8:45 am]

GALBANK, INC., AND UNITED STATES NATIONAL BANCSHARES, INC.

Proposed Acquisition of Bankers Data Services, Inc.

Galbank, Inc., and United States National Bancshares, Inc., both of Galveston, Texas (hereinafter jointly referred to as "Applicant") have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all of the voting shares of Bankers Data Services, Inc., Houston, Texas. Notice of the application was published on May 14,

1974, in The Houston Chronicle, a newspaper circulated in Houston, Texas.

Applicant states that the proposed subsidiary would engage in the activities of providing data processing services to banks and other financial service organizations including pick-up and delivery of data information and computer programming incident to the use of such data processing services. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 27, 1974.

Board of Governors of the Federal Reserve System, May 30, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12994 Filed 6-5-74;8:45 am]

PEOPLES BANKING CORP.

Acquisition of Bank

Peoples Banking Corporation, Bay City, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by consolidation to Oscoda State Savings Bank, Oscoda, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 28, 1974.

Board of Governors of the Federal Reserve System, May 31, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12996 Filed 6-5-74;8:45 am]

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Edgewood Bank, Jacksonville, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Florida, controls 32 banks with aggregate deposits of about $1.84 billion,[1] representing 8.9 percent of total deposits in commercial banks in the State. Acquisition of Bank, with deposits of $2 million, would not significantly increase Applicant's share of commercial bank deposits in Florida.

Bank, which was organized during 1973, is the smallest of the 36 banks in the Jacksonville banking market[2] and holds approximately 0.1 percent of total commercial deposits therein. In that market, Applicant is the seventh largest banking organization with three existing subsidiary banks having aggregate deposits of approximately $83 million, representing 4.7 percent of total market deposits. Upon consummation of the proposal, Applicant's rank in the market would remain the same. The three largest banking organizations in the market (each a bank holding company) control, respectively, 27.7, 20.3, and 19.7 percent of market deposits. There is no substantial overlap between the respective service areas of Applicant's banking subsidiaries and Bank, and it appears that consummation of the proposal would not eliminate any significant existing competition between them. While the proposed acquisition would eliminate the possibility of competition developing in the future between Applicant's banking subsidiaries and Bank, the overall effect on potential competition does not appear to be significant in view of the small size of Bank, the number of intervening banks between Applicant's subsidiaries and Bank, the large number of banks in the relevant market, and the number of independent banks remaining available for acquisition. Accordingly, on the basis of the record, the Board concludes that competitive considerations are consistent with approval of the application.

In view of Applicant's commitments to inject additional equity capital into certain of its subsidiary banks, the Board regards the financial resources of Applicant and its subsidiary banks as generally satisfactory. The management of Applicant and its subsidiaries appear capable, and the prospects for the group appear favorable. The same conclusions apply with respect to the financial and managerial resources and prospects of Bank. Although there is no evidence in the record to indicate that the banking needs of the community to be served are not currently being met, Applicant proposes to expand the services presently offered by Bank, including increased consumer and business lending, thereby enabling Bank to become a more effective competitor in the relevant market. Therefore, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 30, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12995 Filed 6-5-74;8:45 am]

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)3

[1] All banking data are as of June 30, 1973 and reflect bank holding company formations and acquisitions approved by the Board through April 30, 1974; however, data does not reflect Board approval on May 13, 1974 of Applicant's acquisition of Southeast National Bank of North Dade, Dade County, Florida, a proposed new bank.

[2] The Jacksonville banking market is approximated by Duval County and the city of Orange Park in Clay County.

[3] Voting for this action: Chairman Burns and Governors Sheehan, Holland and Wallich. Absent and not voting: Governors Mitchell, Brimmer and Bucher.

of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Southern National Bank of Palm Beach County, Lake Worth, Florida, a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest bank holding company in Florida, controls 56 banks with aggregate deposits of $1.8 billion, representing 8.6 percent of total deposits of commercial banks in the State.[1] Since Bank is a proposed new bank, consummation of the proposal would not immediately increase Applicant's share of Statewide deposits.

Bank is to be located in the city of Lake Worth in the West Palm Beach banking market. Applicant presently controls four banking subsidiaries in the West Palm Beach banking market, and ranks as the sixth largest banking organization, controling 7.5 percent of the market deposits. The largest banking organization in the market (a multibank holding company) controls approximately 20 percent of the area's commercial bank deposits. Since Bank is a proposed new bank, consummation of the proposal would not eliminate any existing competition between Applicant and Bank nor would it result in an increase in the concentration of banking resources in the market. Furthermore, it does not appear that any significant potential competition would be foreclosed as a result of the consummation of the proposal. Applicant does not occupy a dominant position in the market, and it does not appear that the present proposal would raise significant barriers to entry for other organizations not presently in the market. Nor does it appear from the record that Applicant's proposal is an attempt to preempt a site before there is a need for a bank. Accordingly, on the basis of the record before it, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory, particularly in view of Applicant's commitments to inject capital into certain of its subsidiaries. Thus, considerations relating to banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval since Bank would serve as an alternative source of full banking services to residents of the area. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before June 28, 1974 or (b) later than three months after that date, and (c) Southern National Bank of Palm Beach County, Lake Worth, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 29, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12953 Filed 6-5-74;8:45 am]

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through April 30, 1974.

[2] Voting for this action: Chairman Burns and Governors Sheehan, Holland, and Wallich. Absent and not voting: Governors Mitchell, Brimmer, and Bucher.

DUNMIRE AGENCY, INC.

Acquisition of Additional Shares of Bank

The Dunmire Agency, Inc., Spring Hill, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 10 shares or 1 percent of the voting shares of The State Bank of Spring Hill, Spring Hill, Kansas ("Bank"), thereby increasing Applicant's ownership to 50.4 percent of the voting shares of Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 26, 1974.

Board of Governors of the Federal Reserve System, May 28, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12958 Filed 6-5-74;8:45 am]

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Acquisition of Bank

First Virginia Bankshares Corporation, Falls Church, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Peoples National Bank of Rocky Mount, Rocky Mount, Virginia ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing all comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Virginia, controls 23 banks with aggregate deposits of approximately $761 million, representing 6.7 percent of the total commercial bank deposits in the State.[1] Acquisition of Bank (deposits of $30.6 million) would increase Applicant's share of deposits in Virginia by approximately 0.3 of one percentage point and would not significantly increase the concentration of banking resources within the State.

Bank, with 47 percent of the total market deposits, operates two offices in the town of Rocky Mount and is the largest of four commercial banks in Franklin County, which approximates the relevant market. Although the largest bank in the market, Bank's growth during the past 10 years has been at a slower rate than any of its competitors, and it appears likely that Bank will face increased competition in the future from two new banks in the county. Applicant has no subsidiary in the relevant market and its nearest subsidiary bank is approximately 25 miles north of Bank. There is no significant existing competition between Applicant and Bank, nor is there any reasonable probability of substantial competition developing in the future between them. On the basis of the record, it appears that consummation of the proposed acquisition would have no significant adverse effects upon existing or potential competition within the market.

Considerations relating to the financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as satisfactory and consistent with approval of the application. The same conclusions apply with respect to Bank, particularly in view of Applicant's ability to provide Bank with additional management depth. Although there is no evidence in the record to indicate that the major banking needs of the community to be served are not presently being met, affiliation with Applicant would enable Bank to expand its services to include trust and credit card services and larger loans through participations. These considerations relating to the convenience and needs of the community to be served are consistent with, and lend some weight toward, approval

[1] Banking data are as of June 30, 1973, and reflect holding company acquisitions and formations approved through April 30, 1974.

of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before June 28, 1974 or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 29, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12954 Filed 6-5-74;8:45 am]

MANUFACTURERS HANOVER CORP.

Proposed Acquisition of Ritter Financial Corp.; Correction

In FR Doc. 74-11788 appearing on page 15919 of the issue for Thursday, May 23, 1974, subsection (b) of the second paragraph should read:

(b) acting as agent or broker for the sale of credit related life and credit accident and health insurance and consumer related property insurance (including non-filing insurance designed to protect personal property in which Applicant has a security interest against security interests which might be perfected by third parties) and casualty insurance which is related to extensions of credit made or acquired by Applicant and/or its direct or indirect subsidiaries.

As specified in the earlier FR Doc. 74-11788, views or requests for hearings should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 13, 1974.

Board of Governors of the Federal Reserve System, May 29, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12956 Filed 6-5-74;8:45 am]

PATAGONIA CORP.

Proposed Acquisition of General Finance, Ltd.

Patagonia Corporation, Tucson, Arizona, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4 (b)(2) of the Board's Regulation Y, for permission to acquire through its wholly-owned subsidiary, Model Finance Company, Tucson, Arizona, all of the voting shares of General Finance, Ltd., Council Bluffs, Iowa (formerly known as Iowa Loans, Inc.). Notice of the application was published on April 12, 1974, in the Council Bluffs Nonpareil, a newspaper circulated in Council Bluffs, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of a consumer finance company by making personal loans primarily to wage earners, purchasing consumer installment sales finance contracts, and acting as agent in the sale to its debtors of credit life, accident and health insurance which is directly related to extensions of credit to those debtors. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 27, 1974.

Board of Governors of the Federal Reserve System, May 29, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12957 Filed 6-5-74;8:45 am]

REPUBLIC NEW YORK CORP. ET AL.

Order Approving Formation of Bank Holding Companies and Merger of Bank Holding Companies

Republic New York Corporation, New York, New York ("RNYC"), has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act ("Act") (12 U.S.C. 1842 (a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Republic Bank, National Association, New York, New York ("Bank"), the resulting bank from the proposed merger of Republic National Bank of New York ("RNB") and Kings Lafayette Bank ("KLB"), New York, New York. To facilitate the merger of RNB and KLB, RNYC has also applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Kings Lafayette Corporation, New York, New York ("KLC"), KLB's present parent holding company.

At the same time, Safrabank S.A., Panama City, Panama ("SB") and its subsidiaries Trade Development Bank Holding S.A., Luxembourg, Luxembourg ("TDRH") and Trade Development Bank, Geneva, Switzerland ("TDB"), which are presently foreign bank holding companies by virtue of their direct and indirect ownership of shares of Republic National Bank of New York, have applied for the Board's approval under section 3(a)(1) of the Act to become bank holding companies through the acquisition, directly and indirectly, of approximately 40 percent of the voting shares of RNYC. In addition, TDBH and SB have also applied to acquire, directly and indirectly, an additional 19 percent of the shares of RNYC. SB has applied for the Board's approval to acquire an additional 3 percent of the shares of TDBH.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

RNYC is a recently-organized corporation formed for the purpose of becoming a bank holding company with respect to Bank. The acquisition of Bank by RNYC, the merger of KLC with RNYC, and the formation of SB, TDBH and TDB as bank holding companies, are part of a plan of reorganization whereby the ownership of KLC and RNB is being restructured by the principal owner of such corporations. Although the Board has separately considered each of the aforementioned applications, due to the similarity of the issues, all such applications will be considered in a single Board order.

RNB, with domestic deposits of approximately $360 million is the 23rd largest of 112 banking organizations[1] located in the Metropolitan New York banking market[2] and controls 0.3 percentage points of the total deposits in commercial banks in the market. RNB is a wholesale bank, has no domestic branches, and is engaged primarily in international banking. Approximately 50 percent of RNB's deposits and over 60 percent of its loans are derived from its foreign accounts. KLB, KLC's subsidiary bank, has deposits of $195 million, and, with approximately 0.3 percentage points of total deposits in commercial banks in the Metropolitan New York banking market, ranks as the 28th largest banking organization therein. KLB, with 18 domestic branch offices, is primarily a retail-oriented bank.

[2] Voting for this action: Chairman Burns and Governors Sheehan, Holland, and Wallich. Absent and not voting: Governors Mitchell, Brimmer, and Bucher.

[1] Data with respect to market rank are as of June 30, 1972; deposit data are as of December 31, 1973.

[2] The Metropolitan New York market is defined as the five boroughs of New York City, Nassau, Westchester, Putnam, and Rockland Counties, a portion of Suffolk County in New York, portions of Bergen and Hudson Counties in New Jersey, and a portion of Fairfield County in Connecticut.

Upon consummation of the proposed merger of KLC with RNYC, RNYC would control domestic deposits of about $555 million and would rank as the 15th largest banking organization in the relevant market, controlling approximately 0.6 percentage points of total deposits therein. Due to the differing characteristics of the banking business of RNB and KLC, it does not appear that any significant existing competition would be eliminated upon the merger of RNYC with KLC. Although RNYC has the resources to expand its retail operations and establish additional banking offices in the market, the amount of competition that would develop in the future between RNYC and KLC would not be significant in the context of the Metropolitan New York market. Furthermore, the principal owner of RNB is also the principal owner of KLC and it is unlikely that significant competition would develop between the two institutions. Accordingly, the Board finds that consummation of the proposed merger between RNYC and KLC would not have any significant adverse effect on existing or potential competition. On the same basis, the Board concludes that the acquisition of Bank by RNYC would not have any significant adverse effect on existing or potential competition.

The formation of SB, TDBH and TDB as bank holding companies through acquisition of shares of RNYC results from the present ownership by such foreign bank holding companies of RNB shares. As a result of the organization of RNYC and incident to the merger of RNYC and KLC, SB, TDBH and TDB would own, directly and indirectly, approximately 40 percent of the outstanding voting shares of of RNYC and thereby become foreign bank holding companies with respect to Bank. TDBH and SB also propose to acquire, directly and indirectly, an additional 19 percent of the shares of RNYC. Further, SB plans to acquire an additional 3 percent of TDBH. On the basis of the Board's analysis of the formation of RNYC and the merger of RNYC with KLC, and in light of the fact that the indirect acquisition by SB, TDBH, and TDB of shares of Bank is incident to a restructuring of the ownership of such institutions by their principal owner, it is the Board's judgment that the direct and indirect acquisition of approximately 59 percent of the shares of RNYC by SB and TDBH, and the acquisition of approximately 40 percent of the shares of RNYC by TDB would not have any significant adverse effects on either existing or potential competition.

The financial and managerial resources and future prospects of RNYC, which are largely dependent on those of Bank, appear favorable. The financial and managerial resources and future prospects of SB, TDBH and TDB also appear satisfactory. Consequently, banking factors are consistent with approval of the applications. Although it appears that the banking needs of the community to be served are being adequately met at present, upon consummation of the proposal RNYC would be able to offer international banking services through offices of KLB which do not currently offer such services. Accordingly, considerations relating to the convenience and needs lend some weight toward approval of the applications. It is the Board's judgment that consummation of the proposals would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before June 28, 1974 or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 29, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12955 Filed 6-5-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LOIS COAL CO. AND MAGGARD COAL CO.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP DOCKET NO. 4176-000, LOIS COAL COMPANY, Mine No. 1, Mine ID No. 44 03482 0, Grundy, Virginia. ICP Permit No. 4176-001 (Stacy's Spinner Loading Machine, Serial No. 206), ICP Permit No. 4176-004 (Royal Cutting Machine, Serial No. 63), ICP Permit No. 4176-005 (Bailey's Battery Powered Tractor, Serial No. 78).

(2) ICP DOCKET NO. 4208-000, MAGGARD COAL COMPANY, Mine No. 18, Mine ID No. 44 01815 0, Richlands, Virginia. ICP Permit No. 4208-003 (S & S 100 Battery Tractor, Serial No. A 1964), ICP Permit No. 4208-008 (S & S 90 Battery Tractor, Serial No. A 1965).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before June 21, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JUNE 3, 1974.

[FR Doc.74-12937 Filed 6-5-74;8:45 am]

UNITED STATES STEEL CORP.

Application for Renewal Permit; Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20463, UNITED STATES STEEL CORPORATION, Somerset Coal Mine, Mine ID No. 05 00294 0, Somerset, Colorado.

Section ID No. 012 ("C" Seam Section),
Section ID No. 009 (4 East—3 Dip "B"),
Section ID No. 006 (4 West—3 Dip "B"),
Section ID No. 010 (5 West—3 Dip "B"),
Section ID No. 016 (5 Left—3 South "B"),
Section ID No. 017 (3 South Raise "B").

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before June 21, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JUNE 3, 1974.

[FR Doc.74-12938 Filed 6-5-74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

PUBLIC PROGRAMS PANEL

Notice of Meeting

MAY 31, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on June 13, and 14, 1974.

The purpose of the meeting is to review Humanities Program Grant proposals and Development Grant proposals have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwar-

[3] Voting for this action: Chairman Burns and Governors Sheehan, Holland, and Wallich. Absent and not voting: Governors Mitchell, Brimmer, and Bucher.

ranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Office, Mr. John W. Jordan, 806 15th Street, NW, Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74–12981 Filed 6–5–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 31, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

ACTION

Application for Volunteer Sponsorship, Form, Single time, Caywood, Nonprofit organizations.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Descriptive Survey of Nutrition Education, Form, Single time, Planchon, State education agencies local school districts.

FEDERAL RESERVE BOARD

Survey of Commercial Bank Attitudes and Experience Regarding Financial Acceptances, Form, Single time, Weiner, Banks active in creating and marketing bankers acceptances.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration:
Application for Permit to Maintain Central Records, Form DEA 274, Single time, Sheftel, Registrants under Controlled Substances Act.

Semi-Annual Report of Controlled Substances Imported, Manufactured or Used for Scientific Purposes, Form DEA 248, Semi-annual, Sheftel, Drug firms manufacturing or importing controlled substances.

Controlled Substances Import/Export Declaration, Form DEA 236, Occasional, Sheftel, Drug firms that import export controlled substances.

Application for Procurement Quota for Controlled Substances, Form DEA 250, Occasional, Sheftel, Drug firms procuring controlled substances.

Application for Registration Renewal Type B, Form DEA 227, Annual, Sheftel, Registrants under.

Application for Registration Renewal Type A, Form DEA 226, Annual, Sheftel, Registrants under CSA.

Applicaton for Registration (Type B), Form DEA 225, Single time, Sheftel, Registrants under Controlled Subst. Act.

Application for Registration (Type A), Form DEA 224, Single time, Sheftel, Registrants under Contr. Subst. Act.

Application for Individual Manufacturing Quota for a Basic Class of Controlled Substances, Form DEA 189, Occasional, Sheftel, Registrants under Contr. Subst. Act.

Registrant Inventory of Drugs Surrendered, Form DEA 41, Occasional, Sheftel, Sheftel, egistrants under Contr. Subst.

Outline of Synthesis, Form DEA 130, Occasional, Sheftel, Registrants under Control. Subst. Act.

Official Order form for Schedule I and II Substances, Order Form Requisition, Forms DEA 222A, 222B, 222C, 222D, Occasional Sheftel, Registrants under Control. Subst. Act.

NATIONAL SCIENCE FOUNDATION

International Planning Management, Form Single time, ESD/Weiner, Business firms.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Administrative Review Reports—Special Food Service Program for Children, Forms FNS 19, 19–1, 19–2, Occasional, Sheftel, Private nonprofit and public institutions.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Review of General Funds, Form REA 740a, Occasional, Sheftel, REA electric borrowers.

DEPARTMENT OF COMMERCE

Bureau of the Census: Incorporated Place Survey Sheet, Form, Annual, Ellett, Govt. agencies.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service: Associated Mortality Feasibility Study, Form MH 343A, Single time, Reese, Bereaved individuals and physicians.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Annual Report on Methods of Dealing with Questions of Recipient Fraud in State Public Assistance Programs, Form SRS NCSS 110, Annual, Sunderhauf, State public assistance agencies.

VETERANS ADMINISTRATION

Notice of Change in Student Status—Institutional Courses Only, Form VA 22–1999b, Occasional, Caywood, Certifying officials of schools.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Wool and Mohair Inquiry, Form, Annual, Evinger, Wool and mohair warehousemen-Texas.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: State Agency Program Expenditure Projection, Form SRS OA–25, Quarterly, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–13016 Filed 6–5–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

AMERICAN NATURAL GAS COMPANY, ET AL.

[70–5508]

Notice of Proposed Issue and Sale of Notes to Division of Bank by Holding Company and Relending of Proceeds to Subsidiary Companies

Notice is hereby given that American Natural Gas Company ("American Natural"), 30 Rockefeller Plaza, Suite 4545, New York, New York 10020, a registered holding company, and its subsidiary companies, Michigan Consolidated Gas Company ("Michigan Consolidated") and Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, 9, 10, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Pursuant to the Commission's orders dated May 18, 1970, and December 22, 1972 (HCAR Nos. 16727 and 17822), American Natural was authorized to issue and sell its notes, from time to time until July 1, 1974, up to a maximum of $40,000,000 to the Institutional Investment Division of First National City Bank, New York, N.Y. ("Investment Division"). American Natural is herein seeking continuation of that authorization, which is described below, until January 1, 1976.

Investment Division administers, as Trustee, pension and other funds of many corporations. It is stated that Investment Division has a continuous flow of funds from its interna. operations and follows a practice of pooling these funds for loans to various corporations through its nominee, Kink & Co. The interest rate on the proposed notes will be equivalent to the highest rate paid daily by General Motors Acceptance Corporation on its commercial paper with a maturity of 30 to 180 days. American Natural will be notified by Investment Division of any change in the interest rate. The notes issued from July 1 to December 31 will mature January 1 of the following year, and those issued

from January 1 to June 30 will mature July 1 of the same year. Investment Division will have the right, however, to demand payment at any time of all or any part of the principal of the loan or loans outstanding. American Natural will have the right to prepay the notes at any time without penalty.

American Natural proposes to relend the funds obtained from Investment Division to Michigan Wisconsin and Michigan Consolidated on the same terms, conditions, and maturities as those pertaining to the funds borrowed by it. Such funds will be made available first to Michigan Wisconsin, and any available balance (within the $40,000,000 aggregate maximum) will be loaned to Michigan Consolidated. While American Natural anticipates that borrowings from the Investment Division will be available on a continuing basis, when repayment is required of all or a portion of the funds borrowed by it, the two subsidiary companies, in turn, will make repayments to American Natural, approximately pro rata, to the extent repayment is requested by Investment Division. When Investment Division again has funds available, American Natural will borrow the amounts tendered and relend them to its subsidiary companies.

It is stated that under the type of arrangement described above, the subsidiaries have been able to obtain funds at a lower cost than on borrowings from banks under lines of credit. As an example, during 1973, the interest rate from Investment Division ranged from a low of 5.66 percent to a high of 9.65 percent, compared with a range in the prime rate at First National City Bank from a low of 6 percent to a high of 10 percent.

In order to assure the availability of funds to make any required repayments to American Natural under the above arrangement, Michigan Wisconsin has obtained a $20,000,000 line of credit from the Commercial Division of First National City Bank until December 31, 1975. Any borrowings thereunder evidenced by notes will bear interest at the prevailing prime rate of First National City Bank and will mature no later than December 31, 1975. Interest is payable every 90 days, and the notes may be prepaid at any time without penalty. In connection with this line of credit, Michigan Wisconsin is required to maintain compensating balances with First National City Bank. Translated into terms of American Natural's cost of borrowing from Investment Division, these compensating balances would have the effect of increasing such cost of borrowing by approximately three-fourths of 1 percent.

American Natural requests authority to file certificates of notification required under rule 24 with respect to the proposed transactions on a quarterly basis.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $3,500, including counsel fees of $500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 25, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaraton, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13014 Filed 6-5-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

MAY 31, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 1, 1974 through June 10, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-13012 Filed 6-5-74;8:45 am]

[File No. 500-1]

GULF SOUTH MORTGAGE INVESTORS

Notice of Suspension of Trading

MAY 31, 1974.

The shares of beneficial interest and warrants of Gulf South Mortgage Investors being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Gulf South Mortgage Investors being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 12:00 noon (EDT) on May 31, 1974 through June 9, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-13015 Filed 6-5-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

MAY 31, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 1, 1974 through June 10, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-13011 Filed 6-5-74;8:45 am]

[70-5505]

METROPOLITAN EDISON CO.

Notice of Proposed Sale of Utility Assets

Notice is hereby given that Metropolitan Edison Company ("Met Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed a declaration with this Commission designating section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and rule 44 promulgated there-

under as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Met Ed presently provides electricity to the Steelton, Pennsylvania plant of Bethlehem Steel Corporation ("Bethlehem"). Bethlehem has notified Met Ed that it wishes to be served in the future by Pennsylvania Power & Light Company ("PP&L"), a non-associated electric utility company.

In order that PP&L may take over said service to Bethlehem, it is proposed that Met Ed sell PP&L one 230 KV transmission line and appurtenances thereto and lease to PP&L portions of two 69 KV transmission lines and appurtenances thereto. These lines are necessary for PP&L to provide electric service to Bethlehem's Steelton plant. It is further proposed that Met Ed sell to Bethlehem the 230 KV Steelton substation (including supervisory equipment situated therein) and a section of 69 KV tie line running from Steelton substation to Bethlehem's substation. The consideration to be paid for all such lines and other property shall be the properties' original cost, less depreciation, computed at the settlement date of the sale.

Upon termination of the lease of the portions of the two 69 KV transmission lines, Met-Ed will transfer to Bethlehem those portions of such lines as are located on Bethlehem's property and will transfer to PP&L certain other portions of such lines. Met-Ed will dismantle and remove the portions of such 69 KV lines not so transferred and will construct a tie-line connecting the remnants of the two transmission lines retained by Met-Ed. Bethlehem will reimburse Met-Ed for the original cost, less depreciation, computed at the termination date of the lease, of the portions of the two lines which had been so leased, the removal cost, less salvage, of the portions of the two lines which are to be dismantled, and the cost of construction of the new tie-line.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $13,000, including legal fees of $10,500. The declaration states that the Pennsylvania Public Utility Commission has jurisdiction with respect to the proposed sale of property to Bethlehem. It is stated that the Federal Power Commission has jurisdiction over the acquisition by PP&L of the property to be purchased from Met-Ed, and that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 24, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective pursuant to Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-13013 Filed 6-5-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Notice of Suspension of Trading

MAY 31, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 1, 1974 through June 10, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.74-13010 Filed 6-5-74;8:45 am]

TARIFF COMMISSION

[337-35]

CERTAIN HYDRAULIC TAPPETS

Notice of Postponement of Hearing

On May 24, 1974, the U.S. Tariff Commission postponed until June 18, 1974, the public hearing scheduled for June 10, 1974, in connection with investigation No. 337-35, Certain Hydraulic Tappets. Notice of the institution of the investigation and the ordering of the hearing was published in the FEDERAL REGISTER on May 1, 1974 (39 FR 15184-15185).

By order of the Commission:

Issued: May 31, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12968 Filed 6-5-74;8:45 am]

[TEA-W-235]

AUERBACH SHOE CO.

Investigation of Workers Petition for Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Brunswick, Maine, and Rollinsford, New Hampshire, plants of the Auerbach Shoe Co., Boston, Massachusetts, the United States Tariff Commission, on May 31, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.45-.55 (except 700.52) of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before June 17, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: June 3, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12969 Filed 6-5-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-32]

McQUAY-PERFEX, INC.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that McQuay-Perfex, Inc., Perfex Division, Berlin Plants, 242 South Pearl Street, Berlin, Wisconsin 54923 has made application pursuant to section

6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.212(a)(3)(ii) Machine guarding—Point of operation guarding.

The address of the place of employment that will be affected by the application is as follows:

McQuay-Perfex, Inc.
Perfex Division
Berlin Plants
242 South Pearl Street
Berlin, Wisconsin 54923

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is unable to comply with the specifications of 29 CFR 1910.212(a)(3)(ii) which, in part, requires that the point of operation of machines whose operation exposes an employee to injury shall be guarded. It states that there is no specific standard for such guards and that it is providing a place of employment as safe as that required by 29 CFR 1910.212(a)(3)(ii).

The applicant's operation in question concerns roll forming cylindrical steel shells on pyramid forming rolls. The applicant states that all powered movements of Pyramid Roll #157 are controlled by one shielded "deadman" switch, that the operator must have his hand on this switch in order for machine movement to occur and that movement stops abruptly once the switch is released. The combination of the switch, abrupt cessation of motion and a newly expanded metal barrier prevent the operator from placing any portion of his body in the danger zone during machine movement.

The applicant further contends that on Roll #159 the location of the two shielded "deadman" foot pedals for end clamp operation and the shielded "deadman" foot pedal which controls all other machine movement, in conjunction with a solenoid operated brake, prevent the operator from entering the danger zone during machine movement. The solenoid operated brake abruptly stops the roll upon release of the "deadman" switch.

The applicant contends that the operator of either roll has good visibility of the entire area of the machine either directly or via a mirror and has no need to move about. Also, defeating any of the switches would render them inoperative or prevent the operator from performing his job. The operations performed by these machines require only one individual. However, stock which necessitates the aid of a helper for proper positioning can be inserted with the power off. As a further precaution, pedestrian traffic within three feet of the base of Pyramid Rolls #157 and 159 is prohibited and markings to indicate this restriction have been provided.

The applicant states that it will employ feasible point of operation guards if they are developed and become available.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 Wests Wisconsin
Milwaukee, Wisconsin 53203

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views, and arguments relating to the pertinent application no later than July 8, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 8, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that McQuay-Perfex, Inc., Perfex Division, Berlin Plants, be, and it is hereby, authorized to operate Pyramid Rolls #157 and 159 provided the switches, guards and other safety devices and procedures herein stated are utilized in lieu of the point of operation guarding required by 29 CFR 1910.212(a)(3)(ii).

McQuay-Perfex, Inc., Perfex Division, Berlin Plants shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of June 6, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 31st day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-12988 Filed 6-5-74;8:45 am]

[V-73-26]

GTE SYLVANIA, INC.

Grant of Variance

I. *Background.* GTE Sylvania, Inc., Hawes Street, Towanda, Pennsylvania 18848 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the safety standards prescribed in 29 CFR 1910.157(a)(5) concerning the mounting of fire extinguishers. Facilities affected by this application are:

GTE Sylvania, Inc.
Chemical & Metallurgical Div.
Hawes Street
Towanda, Pennsylvania 18848

Hydramet Company
Caro, Michigan 48723

Walmet Company
404 East Ten Mile Road
Pleasant Ridge, Michigan 48069

Western Gold & Platinum Company
555 Harbor Boulevard
Belmont, California 94022

Notice of the application was published in the FEDERAL REGISTER on October 12, 1973 (38 FR 28333). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No comments and no request for a hearing have been received.

II. *Facts.* Approximately 15 percent of the applicant's portable fire extinguishers are located in administrative areas. These fire extinguishers stand in holders on the floor rather than being hung on the wall. The holder for a 15 pound CO_2 extinguisher has a steel base plate 14" x 14" x ¼" upon which is welded a cylinder approximately 7⅜" diameter x 8" x 1/16". The holder weighs approximately 18 pounds and is not attached to the floor. A continuous force of 16 pounds applied near the top of the extinguisher is required to topple a 15-pound CO_2 extinguisher having a gross weight of 40 pounds. The critical angle for falling is approximately 53°.

The remaining 85 percent of the applicant's extinguishers are in the production areas, and are stored or mounted in accordance with 29 CFR 1910.157(a)(5).

III. *Decision.* 29 CFR 1910.157(a)(5) requires that fire extinguishers be installed on the hangers or brackets supplied, mounted in cabinets, or set on shelves unless the extinguishers are of the wheeled type. This is intended to protect the extinguishers from being accidentally knocked over and discharging.

The holders which the applicant is using weigh 18 pounds and have a 14" square base plate, thereby providing a low center of gravity. The 8" height of the cylinders prevents the extinguisher from being knocked out of the holder. The force necessary to tip the extinguisher to the critical angle for falling (approximately 53°) is 16 pounds applied

near the top of the extinguisher. These holders will be used only for fire extinguishers in the administrative areas where they are not subject to bumping by trucks and other equipment.

For these reasons it is very unlikely that the extinguishers would be tipped over. In addition, the use of portable holders makes it possible to locate the extinguishers in areas with easy access but little likelihood of bumping the extinguishers. Therefore, the mountings which the applicant is using provide a place of employment as safe as that which would be obtained by using the mountings described in 29 CFR 1910.157 (a)(5).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that GTE Sylvania, Inc., at its locations listed above, be, and it is hereby, authorized to set portable fire extinguishers used in administrative areas in 18 pound holders set on the floor with a 14" x 14" x ¼" base plate upon which is welded a 7⅜" x 8" x 1/16" cylinder, in lieu of using the mountings required by 29 CFR 1910.157 (a)(5). In production areas, fire extinguishers shall be mounted in accordance with 29 CFR 1910.157(a)(5).

As soon as possible GTE Sylvania, Inc. shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on June 6, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 31st day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–12989 Filed 6–5–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 44]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 31, 1974.

The following applications (except as otherwise specifically noted, each applicant, on applications filed after March 27, 1972, states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 265), filed April 22, 1974. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides, and commodities in bulk, in tank vehicles), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Maryland, District of Columbia, Illinois, Delaware, New Jersey, New York, Indiana, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and Ohio, restricted to traffic originating at, and destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 2900 (Sub-No. 259), filed May 3, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment): (1) Serving the plantsite and warehouse facilities of Fisher-Price Toys, at or near Murray, Ky., as an off-route point in connection with carrier's authorized regular route operations. (2) Serving the Russell Schmidt Industrial Park, at or near Mt. Clemens, Mich., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 260), filed May 2, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value, and those requiring special equipment): Serving the Valley Tow-Rite plantsite at or near Shelbyville, Ky., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 8958 (Sub-No. 27) (Correction), filed April 15, 1974, published in FEDERAL REGISTER issue of May 23, 1974, as No. MC–8959 (Sub-No. 27), and republished as corrected this issue. Applicant: THE YOUNGSTOWN CARTAGE, a Corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215.

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Iron and steel and iron and steel articles*, from the plantsite of Carpenter Technology Corporation at Reading, Pa., to points in Michigan, Indiana, and Illinois, and (B) *damaged and returned shipments of the above described commodities*, from Michigan, Indiana, and Illinois, to the plantsite and facilities of Carpenter Technology Corporation at Reading, Pa., restricted to traffic originating at and destined to the named origins and destination points.

NOTE.—The purpose of this republication is to indicate the correct Docket number assigned to this proceeding as MC-8958 (Sub-No. 27). If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 9269 (Sub-No. 18), filed April 16, 1974. Applicant: BEST WAY MOTOR FREIGHT, INC., 1765 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: William J. Dahl (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B Explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment), serving points within 15 miles of Spokane, Wash., as intermediate and off-route points in connection with carrier's authorized regular route operation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Spokane or Seattle, Wash.

No. MC 10761 (Sub-No. 265), filed April 30, 1974. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 5650 Foremost Drive SE., Grand Rapids, Mich. 49506. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore Count), Tex., to points in North Carolina, South Carolina, Michigan, Ohio, Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts, Maine, Pennsylvania, New Jersey, and New York, restricted to traffic originating at, and destined to, the named points. If a hearing is deemed necessary, applicant requests it be held in Omaha, Nebr.

No. MC 20992 (Sub-No. 30) (Correction), filed April 5, 1974, published in the FEDERAL REGISTER issue of May 16, 1974, and republished as corrected this issue. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable harvesting and handling equipment* (except commodities in bulk, and those which by reason of size or weight require the use of special equipment), from Clear Lake, Wis., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, Oklahoma, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and (2) *materials, equipment, and supplies* used in the manufacturing, production, and distribution of vegetable harvesting and handling equipment (except commodities in bulk and those which by reason of size or weight require the use of special equipment), from points in the above-named destination states to Clear Lake, Wis.; (1) and (2) above, restricted to traffic originating at or destined to Clear Lake, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant request it be held at Minneapolis, Minn., or Chicago, Ill. The purpose of this republication is to correct the destination points named in (1) above, which were previously published in error.

No. MC 29120 (Sub-No. 180), filed April 26, 1974. Applicant: ALL-AMERICAN, INC., 900 West Delaware (P.O. Box 769), Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Toledo, Ohio, and Des Moines, Iowa: From Toledo, Ohio, over Interstate Highway 80 to Des Moines, Iowa, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Toledo, Ohio.

No. MC 30844 (Sub-No. 505), filed April 22, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles*, as are dealt in by retail department stores, from Bayonne, N.J., to Detroit, Southfield, South Gate, Roseville, and Madison Heights, Mich., and St. Louis, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 31389 (Sub-No. 181), filed April 29, 1974. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission; commodities in bulk and those requiring special equipment), serving the plantsite of Kennametal, Inc., at Slippery Rock, Pa., as an off-route point in connection with carrier's authorized regular route operations to and from Pittsburgh and West Middlesex, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 41406 (Sub-No. 40), filed April 18, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Ashland, Ky., Butler, Pa., and Middletown, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Iowa, Missouri, Wisconsin, Nebraska, on and east of U.S. Highway 81, Kansas, on and east of U.S. Highway 81, and that portion of Minnesota bounded on the south by the Minnesota-Iowa State Boundary Line, on the west by Minnesota Highway 15, on the north by Minnesota Highway 95, and on the east by the Minnesota-Wisconsin State Boundary Line including points on the designated highways (except from Middletown, Ohio, to Indiana, Illinois, and St. Louis, Mo.).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., Indianapolis, Ind., or Chicago, Ill.

No. MC 51146 (Sub-No. 375), filed April 22, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined copper and materials and supplies* used in the manufacture and distribution of refined copper, and *metal* of extraordinary, between the facilities of the American Smelting and Refining Co., located on Texas Highway 136 near Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Chicago, Ill.

No. MC 52657 (Sub-No. 716), filed April 22, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except automobiles, trucks, and trailers), in initial movements, in truckaway service, from La Verne, Calif., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington), (2) *motor vehicles* (except automobiles, trucks, and trailers), in secondary movements in truckaway service, from points in the United States (except from Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington), to La Verne, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 53965 (Sub-No. 95), filed April 29, 1974. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Denver, Colo., and Pueblo, Colo.: From Denver over Interstate Highway 25 to Pueblo, and return over the same route, serving all intermediate points; and (2) between Denver, Colo., and Eads, Colo.: From Denver over U.S. Highway 40 to Kit Carson, thence over U.S. Hgihway 287 to Eads, and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 55896 (Sub-No. 45), filed May 2, 1974. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: W. E. Richter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in Indiana (except those in the Chicago, Illinois, Commercial Zone), Michigan, and Ohio, on the one hand, and, on the other, the plant facilities and warehouses of American Motors Corporation, located at or near Kenosha and Racine, Wis.; and (2) *refused, rejected, and returned shipments*, from the plant facilities and warehouses of American Motors Corporation, at or near Kenosha and Racine, Wis., to the origins described in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 56679 (Sub-No. 79), filed April 19, 1974. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facilities of Monsanto Company located at or near Muscatine, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 59367 (Sub-No. 93), filed April 26, 1974. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Carol Stream, Ill., to points in Iowa and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61440 (Sub-No. 141), filed April 25, 1974. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, P.O. Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodiites requiring special equipment), serving the plant site of Colt Industries, Inc., at or near Sallisaw, Okla., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 71478 (Sub-No. 33), filed April 25, 1974. Applicant: THE CHIEF FREIGHT LINES COMPANY, a Corporation, 2401 North Harvard Avenue, Tulsa, Okla. 74115. Applicant's representative: Sam Roberts, 501 Philtower Building, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dallas, Tex., and Lawton, Okla., serving no intermediate points: From Dallas, Tex., over Texas Highway 114 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction Oklahoma Highway 7, thence over Highway 7 to Lawton, Okla., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 71478 (Sub-No. 35), filed April 25, 1974. Applicant: CHIEF FREIGHT LINES COMPANY, a Corporation, 2401 North Harvard Avenue, Tulsa, Okla. 74115. Applicant's representative: Sam Roberts, 501 Philtower Building, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Durant, Okla., and Pittsburg, Kans.: From Durant, Okla., over U.S. Highway 69 northbound to Pittsburg, Kans., serving the intermediate points of McAlester and Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., Tulsa, Okla., or Kansas City, Mo.

No. MC 82492 (Sub-No. 106), filed April 29, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Bailey, Mich., to points in North Dakota (except Fargo) and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 95540 (Sub-No. 901), filed May 1, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Lovejoy, Ga., to points in Alabama, Florida, Louisiana, Kentucky, North Carolina, and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 98952 (Sub-No. 29), filed April 22, 1974. Applicant: GENERAL TRANSFER COMPANY, A Corporation, 2880 North Woodford Street, Decatur, Ill. 62526. Applicant's representative: Kirkwood Yockey, Suite 300 Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries, and advertising matter, premiums, and display material* when shipped in the same vehicle with confectioneries, from the plant site and warehouse of E. J. Brach & Sons, Division of American Home Products, Incorporated, at Carol Stream, Ill., to points in Indiana and Paducah, Henderson, Owensboro, and Louisville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 100449 (Sub-No. 49), filed April 26, 1974. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4 Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins), from York, Nebr., to points in Illinois, Wisconsin, Missouri, Iowa, Minnesota, Texas, Michigan, Oklahoma, and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., Minneapolis, Minn., or either Kansas City, Mo.

No. MC 102567 (Sub-No. 172), filed April 29, 1974. Applicant: McNAIR TRANSPORT, INC., 4295 Neadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between the plantsite of Gulf Oil Company, located at or near West Port Arthur, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 103993 (Sub-No. 804), filed May 1, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Woodbury County, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 805), filed May 1, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Rhea County, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 102567 (Sub-No. 173), filed April 30, 1974. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rosin sizing*, in bulk, in tank vehicles, from Springhill, La., to Vicksburg, Miss.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 106674 (Sub-No. 134), filed April 18, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conveyor systems*, knocked down, from Mitchell, Ind., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary to Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Indianapolis, Ind., or Chicago, Ill.

No. MC 107107 (Sub-No. 434), filed April 26, 1974. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42d Avenue (LeJuene Road), P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, foods, and food materials*, from Mobile, Ala., and points in Mobile County, Ala., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 108340 (Sub-No. 27), filed May 1, 1974. Applicant: HANEY TRUCK LINE, a Corporation, Number 1 Haney Lane, P.O. Box 485, Cornelius, Oreg. 97113. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V to the Commission's report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 108382 (Sub-No. 22), filed April 26, 1974. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, Mich. 48706. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, cabinets, and paper products*, between the plantsite or facilities of Century Products, Inc., located at or near Cheboygan, Mich., on the one hand, and, on the other, Smithfield, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Washington, D.C.

No. MC 108393 (Sub-No. 75), filed April 25, 1974. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gas and electrical appliances, parts of electrical*

and gas appliances, and equipment, materials, and supplies used in the manufacture, distribution, and repair of electrical and gas appliances, (1) between Lombard, Ill., on the one hand, and, on the other, points in Elkhart, Fulton, Kosciusko, Lake, La Porte, Marshall, Porter, Pulaski, St. Joseph, and Starke Counties, Ind., and Berrien, Cass, St. Joseph, and Van Buren Counties, Mich., (2) from St. Joseph, Mich.; Clyde, Marion, and Findlay, Ohio; Danville, Ky.; La Porte, Ind.; St. Paul, Minn.; and Ft. Smith, Ark., to Lombard, Ill., and (3) from Columbus, Ohio, and Evansville, Ind., to points in Boone, Cook, Du Page, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties, Ill.; Elkhart, Fulton, Kosciusko, Lake, La Porte, Marshall, Porter, Pulaski, St. Joseph, and Starke Counties, Ind., and Berrien, Cass, St. Joseph, and Van Buren Counties, Mich., under continuing contract or contracts with Whirlpool Corporation.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 76), filed April 25, 1974. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, (1) between New Buffalo, Mich., and Mt. Gilead, Ohio, on the one hand, and, on the other, Evansville, Ind.; and (2) between Kendallville, Ind., and Danville, Ky., under continuing contract or contracts with Whirlpool Corporation.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 77), filed April 25, 1974. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Street, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores and mail order houses*, and, in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business between Pittsburgh, Pa., on the one hand, and, on the other, Cumberland, Md.; Hornell, Lakewood, and Olean, N.Y.; Niles, Salem, Steubenville, and Youngstown, Ohio; Charleston, Fairmont, Huntington, Parkersburg, Williamson, and Wheeling, W. Va., under continuing contract or contracts with Sears, Roebuck & Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109448 (Sub-No. 19), filed April 22, 1974. Applicant: PARKER TRANSFER COMPANY, a Corporation, Telegraph Road, P.O. Box 256, Elyria, Ohio 44035. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel sheets and coils*, from the plants and warehouses of Jones & Laughlin Steel Corporation located at or near Cleveland, Ohio, to points in Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 138), filed May 2, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747 (Ohio Building), Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities utilized by Kenosha Packing Co., Inc., and Birchwood Meat and Provision, Inc. (wholly owned subsidiary of Kenosha Packing, Inc.), located at or near Kenosha, Wis., and Hebron, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, Ohio, and the District of Columbia, restricted to traffic originating at the above named plantsites and warehouse facilities.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 111812 (Sub-No. 505), filed April 12, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Billings, Mont., to points in South Dakota, Iowa, Minnesota, Nebraska, Wisconsin, Illinois, Kansas, and Missouri, restricted to the transportation of traffic originating at the named origin, and destined to the destination points named above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 112713 (Sub-No. 168), filed April 25, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plant and warehouse facilities of Valley Tow-Rite, Inc., at or near Shelbyville, Ky., as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Louisville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky. or Chicago, Ill.

No. MC-112750 (Sub-No. 312), filed April 30, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Lake Success, N.Y., and Toms River, N.J., under contract with First State Bank of Toms River.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC-112822 (Sub-No. 330), filed April 29, 1974. Applicant: BRAY LINES, INC., 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Shurtenda Foods, Inc., located at Cedartown, Ga., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Ohio, Oklahoma, Oregon, Texas, Utah, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Louisville, Ky.

No. MC-113434 (Sub-No. 61), filed May 3, 1974. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and products used in and produced by the food processing industry* (except commodities in bulk), from the plantsite and warehouse facilities of Welch Foods, Inc., at Lawton, Decatur, and Mattawan, Mich., to points in Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC–114211 (Sub-No. 226) (Correction), filed March 15, 1974, published in the FEDERAL REGISTER issue of April 25, 1974, and republished as amended this issue. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Patrick Smyth, 327 South LaSalle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsite and warehouse facilities of PPG Industries, Inc., at or near Wichita Falls, Tex., to points in Oklahoma, Kansas, Nebraska, Colorado, South Dakota, North Dakota, Minnesota, Wisconsin, Iowa, Illinois, Indiana, and Missouri.

NOTE.—The purpose of this republication is to include the State of Missouri, as a destination point, which was omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114486 (Sub-No. 29), filed April 29, 1974. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 107 Lelia Street, Texarkana, Tex. 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jointing compounds* (except in bulk, in tank trailers), from the plantsite of W. S. Dickey Clay Manufacturing Co., located at Pittsburg, Kans., and Texarkana, Tex., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, New Mexico, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, under contract with W. S. Dickey Clay Manufacturing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 115162 (Sub-No. 292), filed May 6, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, panels, and composition board*, from Philadelphia, Pa., and points in its commercial zone, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 116142 (Sub-No. 21), filed April 25, 1974. Applicant: BEVERAGE TRANSPORTATION, INC., 625 Eberts Lane, P.O. Box 423, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and brewed beverages and related advertising materials*, from Baltimore, Md., to points in Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC–116763 (Sub-No. 274) (Correction), filed April 4, 1974, published in the FEDERAL REGISTER issue of May 9, 1974, and republished as corrected this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), from Dunkirk, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, New Jersey, Delaware, Maryland, Virginia, those points in Pennsylvania on and east of U.S. Highway 220, the District of Columbia, and Bronx, Kings, Nassau, Queens, Richmond, Suffolk, Westchester, and New York Counties, N.Y., restricted to traffic originating at Dunkirk, N.Y., and destined to the territory named.

NOTE.—The purpose of this republication is to add the destination points of Delaware and New York County, N.Y., which were omitted as territory destinations, and to correctly define the territorial description in Pennsylvania as "those points in Pennsylvania on and east of U.S. Highway 220," instead of U.S. Highway 200. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117119 (Sub-No. 501), filed April 29, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsites of Welch Foods, Inc., at North East, Pa., and Westfield, N.Y., and the storage facilities of Welch Foods, Inc., at North East, Pa., and Erie, Pa., to the plantsite of Welch Foods, Inc., at Kennewick, Wash., restricted to traffic originating at the named origin points and destined to the named destination points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y., or New York, N.Y.

No. MC 117940 (Sub-No. 126), filed May 3, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Jeno's, Inc., located at or near Superior, Wis., to points in Arkansas, Connecticut, Delaware, Kansas, Louisiana, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub-No. 1, and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or Duluth, Minn.

No. MC 118034 (Sub-No. 20), filed May 1, 1974. Applicant: MILLER TRUCK LINE, INC., 901 NE. 28th Street, Fort Worth, Tex. 76106. Applicant's representative: Mert Starnes, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plant site of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Texas, Oklahoma, Arkansas, Louisiana, New Mexico, Tennessee, Mississippi, Alabama, Georgia, and Florida, restricted to traffic originating at, and destined to, the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 118159 (Sub-No. 144), filed April 29, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Page Milk Co., located at or near Tulsa, Okla., to points in Colorado, Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, restricted to traffic originating at the above-named origin and destined to the above-named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 119493 (Sub-No. 110), filed May 6, 1974. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt, P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, and iron and steel articles*, from Wilton, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of above specified commodities (except commodities in bulk),

from points in the United States (except Alaska and Hawaii), to Wilton, Iowa.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119522 (Sub-No. 30), filed May 6, 1974. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Anderson, Ind. 46011. Applicant's representative: John B. Leatherman, Jr., P.O. Box 2159, Anderson, Indiana 46011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned goods, other than frozen, from Mount Summit, Ind., to Collinsville, Ill.

NOTE.—Applicant holds contract carrier authority in MC-34865 Sub 39, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Ft. Wayne, Ind.

No. MC 119669 (Sub-No. 48), filed April 29, 1974. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Donald W. McCameron (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Virginia, West Virginia, Maryland, the District of Columbia, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Illinois, Indiana, Kentucky, Michigan, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 119726 (Sub-No. 39), filed April 29, 1974. Applicant: N. A. B. TRUCKING CO., INC., 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food stuff, promotional and display materials*, from Archbold, Ohio, to points in Tennessee, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Georgia and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 119726 (Sub-No. 40), filed April 29, 1974. Applicant: N. A. B. TRUCKING CO., INC., 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures thereof*, including caps, covers, and tops, from Terre Haute, Ind., to points in Illinois, Missouri, Wisconsin, Michigan, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119726 (Sub-No. 41), filed April 30, 1974. Applicant: N. A. B. TRUCKING CO., INC., 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cardboard cartons*, knocked down, from Jacksonville, Fla., to the plantsite of Midland Glass Company, Inc., located at Warner Robins, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119777 (Sub-No. 296), filed April 29, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, veneer, wood paneling, hardboard, wallboard, and particleboard, and materials, supplies and accessories* used in connection therewith, from the plantsites and warehouse of Pluswood, Inc., located at or near Oshkosh, Wis., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, West Virginia, and Wyoming.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 120279 (Sub-No. 5), filed April 26, 1974. Applicant: F & S COMPANY, INC., 915 North Main Street, Tooele, Utah 84074. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper concentrates* in dump trucks, from the Anaconda Copper Company mill site at or near Victoria, Nev., to Wendover, Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123255 (Sub-No. 43), filed April 29, 1974. Applicant: B AND L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from the plantsites and warehouse facilities of Anchor Hocking Corp., located in Fairfield County, Ohio, and Canal Winchester, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123294 (Sub-No. 31), filed April 29, 1974. Applicant: WARSAW TRUCKING CO., INC., 1102 W. Winona Avenue, Warsaw, Ind. 45680. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, animal and poultry tonics, animal and poultry medicines, animal and poultry insecticides, livestock and poultry feeders and equipment, and advertising matter and premiums* related to such commodities, from Quincy and Alpha, Ill., to points in Virginia, West Virginia, Georgia, Florida, Kentucky, Tenneessee, Alabama, New York, New Jersey, Delaware, Maryland, and the District of Columbia; and (2) *materials, equipment, and supplies* used in the manufacturing, sales, and distribution of the above named commodities, from points in Virginia, West Virginia, Georgia, Florida, Kentucky, Tennessee, Alabama, New York, New Jersey, Delaware, Maryland, and the District of Columbia, to Quincy and Alpha, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124078 (Sub-No. 594), filed May 3, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, from Festus, Mo., to points in Kansas, Oklahoma, and Texas; (2) *dry fertilizer*, in bulk, and *dry fertilizer materials*, in bulk, from Burlington, Iowa, to points in Illinois, Missouri, and Wisconsin; and (3) *fertilizer and fertilizer materials*, in bulk, from Hannibal, Louisiana, and Crystal City, Mo., to points in Illinois.

NOTE.—Common Control may be involved. Applicant holds contract carrier authority in MC-113832 Sub-No. 68, therefore dual operations may be involved also. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 124796 (Sub-No. 113) (Amendment), filed April 5, 1974, published in the FEDERAL REGISTER issue of May 23, 1974, and republished this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln,

Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing, polishing, cleaning, scouring, washing and bleaching compounds, animal litter, and cooking oil* (except commodities in bulk), (a) from the plantsite and facilities utilized by the Clorox Company at or near Frederick, Md., to points in Pennsylvania, Virginia, West Virginia, Delaware, and the District of Columbia; and (b) from the plantsite and facilities utilized by the Clorox Company at or near Jersey City, N.J., to the plantsite and facilities utilized by the Clorox Company at or near Frederick, Md., Boston, Mass., and Charlotte, N.C.; (2) *cleaning compounds* (except commodities in bulk), from Lakewood, N.J., to the plantsite and facilities utilized by the Clorox Company at or near Boston, Mass., and Frederick, Md.;

(3) *Aerosol products*, (a) from Piscataway, N.J., and Milford, Conn., to the plantsite and facilities utilized by the Clorox Company at or near Boston, Mass., Frederick, Md., and Charlotte, N.C.; (b) from Milford, Conn., to the plantsite and facilities utilized by the Clorox Company at or near Jersey City, N.J.; and (c) from Baltimore, Md., to the plantsite and facilities untilized by the Clorox Company at or near Boston, Mass., Charlotte, N.C., and Jersey City, N.J.; (4) *materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of buffing, polishing, cleaning, scouring, washing, and bleaching compounds (except commodities in bulk and those which by reason of size or weight require the use of special equipment), (a) from points in New Jersey and Delaware, to the plantsite and facilities utilized by the Clorox Company at or near Frederick, Md.; (b) from points in Delaware, and Baltimore, Md., to the plantsite and facilities utilized by the Clorox Company at or near Jersey City, N.J.; and (c) from Baltimore, Md., to the plantsite and facilities utilized by the Clorox Company at or near Boston, Mass., and Charlotte, N.C.; (5) *charcoal, wood chips, vermiculite, lighter, and fireplace logs* (sawdust and wax impregnated) (except commodities in bulk), from the plantsite and facilities utilized by the Clorox Company and its affiliates at or near Parsons and Ridgeley, W. Va., to points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia;

(6) *Materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of charcoal, wood chips, vermiculite, lighter fluid, and fireplace logs (sawdust and wax impregnated), from Norfolk, Va., to the plantsite and facilities utilized by the Clorox Company and its affiliates at or near Parsons and Ridgeley, W. Va.; (7) *lighter fluid* (except in bulk) from Paulsboro, N.J., to the plantsite and facilities utilized by the Clorox Company and its affiliates at or near Parsons and Ridgeley, W. Va.; and (8) *foodstuffs*, not frozen, other than bulk, from West Chester and Kennett Square, Pa., to East Hartford, Conn., and New York, N.Y., under a continuing contract or contracts with the Clorox Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. The purpose of this republication is to add the territory description designated in (3)(c) above.

No. MC 124796 (Sub-No. 114), filed April 25, 1974. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: William J. Monheim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and accessories, automotive jacks, cranes* (not self-propelled), *hand, electric, and pneumatic tools, and component parts, materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities described above, between the facilities of Walker Manufacturing Company, Division of Tenneco, Inc., at or near Greenville, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk and those which by reason of size or weight require the use of special equipment, under a continuing contract or contracts with Tenneco, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124964 (Sub-No. 17), filed April 29, 1974. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, Fla. 32726. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs*, in mechanically refrigerated equipment, from West Orange, N.J., to points in Georgia, under continuing contract or contracts with Organon, Inc., West Orange, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126305 (Sub-No. 58), filed April 30, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 2, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used farm equipment, materials, and supplies*, between Dothan, Ala., on the one hand, and on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, Minnesota, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., Atlanta, Ga., or Washington, D.C.

No. MC 126402 (Sub-No. 15), filed April 29, 1974. Applicant: JACK WALKER TRUCKING SERVICE, INC., 844 Loudon Avenue, Lexington, Ky. 40505. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, *and related advertising materials;* from Columbus, Ohio, to Lexington, Ky., *and empty malt beverage containers* on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Louisville, Ky.

No. MC 127042 (Sub-No. 146), filed April 25, 1974. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese* from Hebron and Newman Grove, Nebr., to points in Wisconsin; and (2) *meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Hospers, Iowa, to points in Kansas and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 127774 (Sub-No. 7), filed May 6, 1974. Applicant: HAINES TRANSPORT, INC., Box 207, Greenfield, Iowa 50849. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the Mid America Pipe Line Terminal located at or near Clay Center, Kans., to points in Iowa, Missouri, and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 128981 (Sub-No. 9), filed April 30, 1974. Applicant: LAND–AIR DELIVERY, INC., 1736 North 79th Street, Kansas City, Kans. 66112. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving in substituted motor for air service, between Kansas City International Airport, Kansas City Municipal Airport, located at Kansas City, Mo., and Fairfax Airport, located at Kansas City, Kans., points in Arkansas, Iowa, Illinois, Indiana, Kansas, Louisiana, Michigan, Missouri, Minnesota, Nebraska, New Mexico, on and east of In-

terstate Highway 25 and Interstate Highway 10, Oklahoma, Texas, and Wisconsin in nonradial movement.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 129222 (Sub-No. 3), filed May 2, 1974. Applicant: MARVIN FORD, doing business as FORK TRUCK LINE, Tipton, Iowa 52772. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, and liquid fertilizer ingredients*, in bulk, from the plantsites and storage facilities utilized by Twin-State Engineering & Chemical Company, located in Scott County, Iowa, to points in Illinois, Minnesota, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC–133655 (Sub-No. 74) (Amendment), filed April 4, 1974, published in the FEDERAL REGISTER issue of May 9, 1974, and republished as amended this issue. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Charles W. Singer, Suite 1000, 327 S. LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refined copper and materials and supplies* used in the manufacture and distribution of refined copper; and (2) *metal of extraordinary value*, between the facilities of the American Smelting and Refining Co., located on Texas State Highway 136, near Amarillo, Tex., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, Rhode Island, New Jersey, Delaware, Maryland, Virginia, Arizona, California, Colorado, New Mexico, Utah, Nevada, Wyoming, Montana, Idaho, Oregon, Washington, and the District of Columbia.

NOTE.—The purpose of this amendment is to indicate the specific location of the American Smelting and Refining Co. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Chicago, Ill.

No. MC 133920 (Sub-No. 6), filed May 3, 1974. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, Ga. 31082. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed stone*, in dump and hopper-type vehicles, (1) from points in Georgia, to points in Florida, Alabama, Mississippi, North Carolina, South Carolina, and Tennessee; and (2) from points in Alabama, to points in Georgia.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 134783 (Sub-No. 21), filed April 29, 1974. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., located at or near Cactus (Moore County), Tex., to points in Colorado, Kansas, Missouri, Iowa, Illinois, Mississippi, Texas, Oklahoma, and Louisiana.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 134922 (Sub-No. 77), filed April 29, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and wooden windows and doors, aluminum wire, aluminum products, wood products and glass* (except commodities which because of size or weight, require the use of special equipment), between Owensboro, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Little Rock, Ark.

No. MC 134922 (Sub-No. 78), filed April 29, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, polishing, and waxing compounds, starch, air fresheners and disinfectants, mops, dusters, plastic articles, waxers and brooms, diet and nutritional foods* (except frozen), from Franklin, Ky., and Urbana, Ohio, to points in Florida and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Little Rock, Ark.

No. MC 135797 (Sub-No. 25), filed April 29, 1974. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn mowers*, power, *and tillers*, rotary *and parts thereof*, from the plant site of Dynamark Sales, Inc., at Des Moines, Iowa, to points in Arkansas, Louisiana, Missouri, Oklahoma, Kansas, and Brownsville, Covington, Millington, and Ripley, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Little Rock, Ark.

No. MC 136777 (Sub-No. 9) (Correction), filed April 5, 1974, published in the FEDERAL REGISTER issue of May 16, 1974, and republished as corrected this issue. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59407. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flattened vehicles and scrap metal* for recycling, (1) from points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Idaho, Colorado, and Kansas, to Spokane, Seattle, Renton and Kent, Wash.; Portland, Oreg.; San Francisco, Los Angeles, and San Diego, Calif.; Phoenix, Ariz.; Salt Lake City and Provo, Utah; Denver and Pueblo, Colo.; Norfolk and Omaha, Nebr.; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Council Bluffs, Des Moines, Waterloo, Davenport, and Centerville, Iowa; St. Paul and Minneapolis, Minn.; Beloit and Milwaukee, Wis.; Chicago, Rockford, Sterling, and Alton, Ill., and the International Boundary line between the United States and Canada, located in Washington, Idaho, Montana, North Dakota, and Minnesota, and (2) from points in Iowa, Minnesota, Missouri, Kansas, and Wisconsin to St. Paul and Minneapolis, Minn; Beloit and Milwaukee, Wis.; Council Bluffs, Des Moines, Waterloo, Davenport, and Centerville, Iowa; Norfolk and Omaha, Nebr.; Chicago, Rockford, Sterling, and Altan, Ill.; and Kansas City, Kans.; and Kansas City and St. Louis, Mo.; (1) and (2) above, under contract with Krushette Kleen.

NOTE.—The purpose of this republication is correct the destination points named in (1) above, which were previously published in error. Applicant holds common carrier authority in MC 26396 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 138530 (Sub-No. 8), filed March 20, 1974. Applicant: C. O. P. TRANSPORT, INC., 307 South High Street, Cortland, Ohio 44410. Applicant's representative: Warren R. Keck, III, 28 South Second Street, Greenville, Pa. 16125. Authority sought to operate as a *contract carrier*, by motor vehicle, over iregular routes, transporting: *Machinery, strip mining, walking drag lines, mining and construction excavator shovels, stripping shovels, blast hole drills, steel forgings, castings, machinery parts, strip mining parts, walking drag line parts, mining and excavator shovel parts, drill parts and accessories* thereof; *iron and steel* used in the manufac-

ture of above parts, *and vendor products* used in the manufacture and processing of products in the above described commodities, between the plantsite of Marion Power Shovel Co., Inc., at Marion, Ohio, points in New York, Ohio, and Pennsylvania, and Virginia, in non-radial movements, under contract with Marion Power Shovel Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Pittsburgh, Pa. or Washington, D.C.

No. MC 138530 (Sub-No. 10), filed April 3, 1974. Applicant: C. O. P. TRANSPORT, INC., 307 South High Street, Cortland, Ohio 44410. Applicant's representative: Warren R. Keck, III, 28 South Second Street, Greenville, Pa. 16125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, strip mining, walking drag lines, mining and construction excavator shovels, stripping shovels, blast hole drills, steel forgings, castings, machinery parts, strip mining parts, walking drag line parts, mining and exvacator shovel parts, drill parts and accessories* thereof, *iron and steel* used in the manufacture of above parts, and *vendor products* used in the manufacture and processing of products produced and shipped by customer, between the plantsite of Marion Power Shovel Co., Inc., located at or near Marion, Ohio, points in Illinois, Indiana, Michigan, Minnesota, and Wisconsin, in non-radial movements, under contract with Marion Power Shovel Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, Pittsburgh, Pa., or Washington, D.C.

No. MC 138456 (Sub-No. 1), filed April 30, 1974. Applicant: S. W. BURNS AND TERRENCE W. BURNS, doing business as BURNS AND SON TRUCKING, P.O. Box 344, Springfield, Ga. 31329. Applicant's representative: William Addams, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, and in bulk, in dump trucks, from Savannah, Ga., to points in South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 138469 (Sub-No. 4), filed April 29, 1974. Applicant: DONCO CARRIERS, INC., 1001 S. Rockwell, Oklahoma City, Okla. 73128. Applicant's representative: Wm. L. Peterson, Jr., 401 North Hudson, Suite 200, P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude synthetic rubber*, in bags, between Lake Charles, La., and Miami, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Houston, Tex.

No. MC 139233 (Sub-No. 1), filed April 1, 1974. Applicant: MELVIN T. DICKERSON, INC., Rt. 2, Box 337, Dallas, Oreg. 97007. Applicant's representative: B. Gayle Bergstrom, 11150 SW. Allen, Beaverton, Oreg. 97005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salads and prepared foods;* and (2) *meats, cooked, cured, and preserved,* from Beaverton, Oreg., to points in Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, under contract with Reser's Fine Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland or Salem, Oreg.

No. MC–139648 (Correction), filed March 15, 1974, published in the FEDERAL REGISTER issue of April 25, 1974, and republished as corrected this issue. Applicant: STATION WAGON SERVICE, INC., P.O. Box 153, 429 Minniskink Rd., Totwa, N.J. 07511. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parcels and packages*, not exceeding 250 pounds, picked up and delivered from one consignor to one consignee within 6 hours, between points in Passiac, and Bergen Counties, N.J.; Fairfield, Caldwell, West Caldwell, North Caldwel, Cedar Grove (Essex County), N.J.; and Montville, Lincoln Park, Caldwell, Cedar Grove (Essex County), Pequannock, Butler, and Riverdale (Morris County), N.J., on the one hand, and, on the other, Newark Airport, N.J., points in the New York, N.Y., Commercial Zone as defined by the Commission; and points in Westchester, Nassau, and Suffolk Counties, N.Y.; and Fairfield County, Conn.

NOTE.—The purpose of this republication is to clearly define the scope of authority sought by the applicant. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 139764, filed April 29, 1974. Applicant: RALPH E. WITH, doing business as C AND L TRUCKING CO., 1827 Clement Avenue, Alameda, Calif. 94501. Applicant's representative: R. Frederick Fisher, 311 California Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tinplate, black plate, and cold rolled sheet steel*, from the plantsite of Pennville Corporation, Benicia Industrial Tract, located at or near Benicia, Calif., to Oakland, Alameda, and San Francisco, Calif., under contract with Pennville Corp., restricted to shipments having a subsequent movement by water carrier in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif., or Oakland, Calif.

No. MC 139767, filed April 26, 1974. Applicant: FAIRWAY TRANSIT, INC., N10 W24730 Highway TJ, Pewaukee, Wis. 53072. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt mix*, in bulk, in dump vehicles, from points in Wisconsin, to points in Illinois; and (2) *liquid oxygen, liquid nitrogen, and liquid argon*, in tank vehicles, from Waukesha, Wis., to points in Michigan, Indiana, Ohio, Illinois, Minnesota, and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

PASSENGER APPLICATIONS

No. MC 119961 (Sub-No. 5), filed April 29, 1974. Applicant: MARSHALL MOTOR COACH, INC., 10 South 8th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers or groups of passengers and their baggage*, in special and charter operations, beginning and ending at points in Grundy, Jasper, Marion, Marshall, Poweshiek, and Tama Counties, Iowa, and extending to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124138 (Sub-No. 2), filed April 15, 1974. Applicant: OLD LYME-SAYBROOK TAXI SERVICE, INC., Old Lyme, Conn. 06371. Applicant's representative: F. Kent Sistare, Jr., 302 State Street, New London, Conn. 06320. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, restricted to the transportation of not more than nine passengers in any one vehicle at one time, but not including the driver, or children under 12 years of age who occupy a seat or seats, between Stonington, North Stonington, Voluntown, Groton, Ledyard, Preston, Griswold, Lisbon, New London, Waterford, Montville, Norwich, Sprague, Bozrah, Franklin, East Lyme, Salem, Colchester, Lebanon, Old Lyme, Lyme, East Haddam, Old Saybrook, Westbrook, Essex, Deep River, Chester, Haddam, Clinton, and Killingworth, Conn., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission, and Newark Airport, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 139769, filed April 24, 1974. Applicant: FALCON CHARTER SERVICE, INC., 120 Perry Street, San Francisco, Calif. 94107. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, in sightseeing, pleasure, study, or educational tours, from San Francisco, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

BROKERAGE APPLICATIONS

No. MC 130240, filed April 24, 1974. Applicant: DESTOFREX DISTRIBUTING CORP., 364 Mineola Boulevard, Mineola, N.Y. 11501. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Mineola, N.Y., to sell or offer to sell the transportation of: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk and commodities requiring special equipment), between points in the United States, including Alaska and Hawaii.

NOTE.—Applicant has currently filed a motion to dismiss by declaratory order for the reasons the services performed were not those of a freight forwarder as defined by Part IV of the Interstate Commerce Act, as amended. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 130244, filed April 24, 1974. Applicant: JAMES G. KNEPPER AND NANCY L. KNEPPER, doing business as FAR CORNERS TRAVEL SERVICE, 221 West Patriot Street, Somerset, Pa. 15501. Applicant's representative: William L. Kimmel, 166 East Union Street, Somerset, Pa. 15501. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Somerset, Pa., to sell or offer to sell to common motor, rail, water, and air carriers, the transportation of *passengers and their baggage* in special and charter operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Somerset and Bedford Counties, Pa., and extending to points in the United States (including Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Somerset, Pittsburgh, or Johnstown, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12917 Filed 6-5-74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 75]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL

Exemption Under Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Company, Chicago, Rock Island and Pacific Railroad Company, Fort Worth and Denver Railway Company, Missouri-Kansas-Texas Railroad Company, Missouri Pacific Railroad Company, St. Louis-San Francisco Railway Company.

It appearing, That there is a massive harvest of wheat in progress in the states of Oklahoma and Texas; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Oklahoma or Texas when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception: This exemption shall not apply to plain boxcars owned by railroads named above nor to cars subject to an order of this Commission requiring return to car owner.

Effective May 28, 1974.

Expires 11:59 p.m., June 30, 1974.

Issued at Washington, D.C., May 28, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-13020 Filed 6-5-74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 74]

RAILROADS SERVING KEOKUK, IOWA

Exemption Under Mandatory Car Service Rules

It appearing, That because of flood conditions the railroads serving Keokuk, Iowa, are unable to move empty cars to and from that station; that sufficient cars of suitable ownership are not available for loading by shippers served by these lines; that numerous other empty cars located on these lines cannot be returned to owners until normal operations can be resumed; that compliance with Car Service Rule 2 would result in these cars standing idle and would prevent their use by shippers unable to receive other cars for loading.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads serving Keokuk, Iowa, are authorized to move, place, and accept from shippers located in Keokuk, general service cars owned by other railroads regardless of the provisions of Car Service Rule 2 (see exception).

Exception: Covered hopper cars and cars subject to Interstate Commerce Commission Service Orders requiring the return of cars to owners.

Effective May 22, 1974.

Expires June 15, 1974.

Issued at Washington, D.C., May 22, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-13019 Filed 6-5-74;8:45 am]

[Rev. S.O. 994; I.C.C. Order 128]

BURLINGTON NORTHERN INC.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Burlington Northern Inc. (BN) is unable to transport traffic over its line between Burlington, Iowa and Keota, Iowa, because of flooding.

It is ordered, That:

(a) The BN being unable to transport traffic over its line between Burlington, Iowa and Keota, Iowa, because of flooding, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 1:00 p.m., May 21, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Divi-

sion, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 21, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent,

[FR Doc.74-13025 Filed 6-5-74;8:45 am]

[Rev. S.O. 994; I.C.C. Order 127]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago, Rock Island and Pacific Railroad Company (RI) is unable to transport traffic to and from Burlington, Iowa, and to and from Keokuk, Iowa because of flooding.

It is ordered, That:

(a) The RI being unable to transport traffic to and from Burlington, Iowa, and to and from Keokuk, Iowa because of flooding, the RI is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 1:00 p.m., May 21, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 21, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-13024 Filed 6-5-74;8:45 am]

[Rev. S.O. 994; I.C.C. Order 126]

PENN CENTRAL TRANSPORTATION CO., ET AL.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Penn Central Transportation Company, George P. Baker, Robert W. Blanchette, and Richard C. Bond, Trustees (PC) is unable to transport traffic over its Hudson River bridge east of Highland, New York, because of fire damage.

It is ordered, That:

(a) *Rerouting traffic.* The PC being unable to transport traffic over its Hudson River bridge located east of Highland, New York, because of fire damage, the following routes shall be used for the rerouting of traffic:

(1) Traffic originating or terminating on the PC at stations Campbell Hall, New York to Highland, New York, inclusive, and requiring movement over the Hudson River bridge of the PC east of Highland, New York, shall be rerouted via Maybrook, New York, thence any available route.

(2) Traffic routed for interchange between the PC and the Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees (EL), at Maybrook, New York, shall be interchanged between the PC and the EL at either Utica, New York, or Croxton (Marion) New Jersey, as mutually agreed upon by these carriers.

(3) Traffic routed for interchange between the PC and The Lehigh and Hudson River Railway Company, John C. Troiano, Trustee (LHR) at Maybrook, New York, shall be interchanged between the PC and the LHR at Maybrook, N.Y.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under section (a), paragraph (1) of this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., May 25, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 15, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 24, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-13021 Filed 6-5-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

JUNE 3, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 17, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience

in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–16682 (Sub-No. E3), filed May 15, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional furniture, fixtures, and equipment.* (1) From points in Connecticut, Massachusetts, and Rhode Island to points in Arizona, California, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Utah, Tennessee, and Texas. (2) From points in Maine, New Hampshire, and Vermont to points in Arizona, California, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Utah, Tennessee, and Texas. (3) Between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Iowa, Minnesota, and Wisconsin. (4) Between points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island, on the one hand, and, on the other, points in Iowa, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateways of New York, N.Y., Cuyahoga County, Ohio, and points in Kentucky in proposal number 1, New York, N.Y., Cuyahoga County, Ohio, and points in Kentucky in proposal number 2, New York, N.Y., Cuyahoga County, Ohio, and Chicago, Ill., in proposal number 3, New York, N.Y., Cuyahoga County, Ohio, and Chicago, Ill., in proposal number 4.

No. MC–16682 (Sub-No. E8), filed May 15, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional furniture and fixtures*, (1) from Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, to points in Arizona, California, Colorado, Kansas, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Utah, Tennessee, and Texas; (2) from points in Delaware, Maryland, Rhode Island, and the District of Columbia to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Utah, and Texas; (3) from points in Maine, New Hampshire, and Vermont to points in Arizona, California, Colorado, Kansas, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Utah, Tennessee, and Texas. The purpose of this filing is to eliminate the gateways in (1) above of Cuyahoga County, Ohio, and Kentucky; in (2) above, points in Pennsylvania and Kentucky, and Cuyahoga County, Ohio, and in (3) above, points in Kentucky, New York, N.Y., and Cuyahoga County, Ohio.

No. MC–64651 (Sub-No. E1), filed May 12, 1974. Applicant: STAR TRANSPORT CO., INC., P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Baltimore, Md., on the one hand, and, on the other, Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of points in New Jersey which are within the Philadelphia, Pa., commercial zone.

No. MC–73165 (Sub-No. E1), filed May 14, 1974. Applicant: EAGLE MOTOR LINES, INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections), consisting of, *equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, or consisting of *equipment, materials, and supplies* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of lead, zinc, iron, coal, and other minerals. (a) Between points in Texas on or south of a line beginning at Laredo, and extending along U.S. Highway 59 to Houston, Texas, and thence along U.S. Highway 90 to the Texas-Louisiana State line, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois. (b) Between points in Texas on or south of a line beginning at Eagle Pass, and extending along U.S. Highway 57 to junction U.S. Highway 81, thence along U.S. Highway 81 to Round Rock thence along U.S. Highway 79 to Hearne, thence along U.S. Highway 190 to the Texas-Louisiana State line, on the one hand, and, on the other, Dubuque, Iowa, and points in Wisconsin within 150 miles of Dubuque, and points in Illinois.

(c) Between points in Texas on or east of a line beginning at Eagle Pass, and extending along U.S. Highway 277 to Abilene, thence along U.S. Highway 80 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Fond du Lac, Ozaukee, Washington, Dodge, Jefferson, Waukesha, Rock, Walworth, Racine, Kenosha, and Milwaukee Counties, Wis., within 150 miles of Dubuque, Iowa, and points in Lake, Du Page, Cook, Will, and Kankakee Counties, Ill. (d) Between points in Louisiana, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque. (e) Between points in Louisiana, on or east of a line beginning at the Louisiana-Texas State line southwest of Many, and extending along Louisiana Highway 6 to Clarence, thence along U.S. Highway 84 to Joyce, thence along Louisiana Highway 34 to Monroe, and thence along U.S. Highway 165 to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in Illinois. (f) Between points in Louisiana in or east of Cameron, Jefferson, Davis, Calcasieu, Allen, Evangeline, and Avoyelles Parishes, on the one hand, and, on the other, points in Jasper, Lawrence, Newton, Barry, and Barton Counties, Mo., those in Cherokee and Crawford Counties, Kans., and those in Ottawa County, Okla. (g) Between points in Louisiana in or east of West Feliciana, Pointe Coupee, St. Martin, La Fayette, and Iberia Parishes, on the one hand, and, on the other, points in Labette and Montgomery Counties, Kans.

(2) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight requires the use of special equipment (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment and pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling and repairing of pipelines).

(a) Between points in Texas on or south of a line beginning at the Texas-Louisiana State line, and extending west along U.S. Highway 80 to Gladewater, thence along U.S. Highway 271 to Tyler, thence along U.S. Highway 69 to Jacksonville, thence along U.S. Highway 79 to Round Rock, thence along U.S. Highway 81 to Austin, thence along U.S. Highway 290 to Sonora, thence along U.S. Highway 277 to Eagle Pass, on the one hand, and, on the other, points in Illinois. (b) Between points in Texas on or south of U.S. Highway 80, on the one hand, and, on the other, points in Illinois on or east of a line beginning at the Illinois-Wisconsin State line near Hebron, and extending along Illinois Highway 47 to Decatur, thence along U.S. Highway 51 to Cairo. (c) Between points in Bowie, Cass, Hunt, Parker, Titus, Marion, Harrison, Upshur, Collin, Wise, Wood, and Rains Counties, Tex., on the one hand, and, on the other, points in Lake, McHenry, Kane, Cook, Du Page, Kendall, Kankakee, Iroquois, Vermilion, Edgar, Will, and Clark Counties, Ill. (d) Between points in Louisiana, on the one hand, and, on the other, points in Illinois. (e) Between points in Texas on or south of a line beginning at Farwell, and extending along U.S. Highway 60 to Bovina, thence along Texas Highway 86 to Estelline, thence along U.S. Highway 287 to Wichita Falls, thence along U.S. Highway 82 to Bells, thence along U.S. Highway 69 to Randolph, thence along Texas Highway 11 to

Pittsburg, thence along U.S. Highway 271 to Gilmer, thence along Texas Highway 154 to Marshall, and thence along U.S. Highway 80 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Kentucky. (f) Between points in Texas in or south of Oldham, Potter, Carson, Gray, and Wheeler Counties (except those in Bowie, Cass, Titus, Red River, Lamar, and Fannin Counties), on the one hand, and, on the other, points in Kentucky on or east of U.S. Highway 41.

(g) Between points in Bowie, Cass, Titus, Red River, Lamar, and Fannin Counties, Tex., on the one hand, and, on the other, points in Kentucky on or east of a line beginning at Louisville, and extending along U.S. Highway 150 to Mt. Vernon, thence along U.S. Highway 25 to Corbin, and thence along U.S. Highway 25E to the Kentucky-Tennessee State line. (h) Between points in Louisiana, on the one hand, and, on the other, points in Kentucky on, east, or south of a line beginning at the Kentucky-Tennessee State line south of Scottsville, and extending along U.S. Highway 31E to Glasgow, thence along U.S. Highway 68 to Lexington, thence along U.S. Highway 60 to Mt. Sterling, thence along U.S. Highway 460 to Paintsville, and thence along U.S. Highway 23 to Louisa. (i) Between points in Louisiana in or west of St. Mary, St. Martin, Assumption, Iberville, West Baton Rouge, East Baton Rouge, and East Feliciana Parishes, on the one hand, and, on the other, points in Kentucky. (j) Between Sikeston, Mo., and points within 50 miles of Sikeston, on the one hand, and, on the other, points in Louisiana on or south of a line beginning at the Louisiana-Arkansas State line near Junction City, and extending along U.S. Highway 167 to Winfield, and thence along U.S. Highway 84 to the Louisiana-Texas State line, and that part of Texas on or south of a line beginning at Haslam, and extending along U.S. Highway 84 to Gatesville, thence along Texas Highway 36 to Abilene, and thence along U.S. Highway 80 to El Paso.

(3) *Iron and steel articles of structural steel, contractors' equipment* other than oil field, and *pipe* which because of size or weight require the use of special equipment, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment). (a) Between points in Louisiana in or east of West Feliciana, West Baton Rouge, Iberville, Assumption, and Terrebonne Parishes, on the one hand, and, on the other, points in Missouri, those in Kansas on or east of a line beginning at the Kansas-Nebraska State line near Chester, Nebr., and extending along U.S. Highway 81 to junction with Kansas Highway 61 southeast of McPherson, thence along Kansas Highway 61 to Hutchinson, thence along the Arkansas River to Wichita, and thence along Kansas Highway 15 to the Kansas-Oklahoma State line, and those in Oklahoma on, north, or east of a line beginning at the Oklahoma-Kansas State line near Coffeyville, Kans., and extending along U.S. Highway 75 to Bartlesville, and thence along U.S. Highway 60 to the Oklahoma-Missouri State line. (b) Between points in Louisiana, on the one hand, and, on the other, points in Missouri on or east of a line beginning at the Missouri-Iowa State line near Alexandria, and extending along U.S. Highway 61 to Troy, thence along Missouri Highway 47 to junction U.S. Highway 67 near Bonne Terre, Mo., and thence along U.S. Highway 67 to the Missouri-Arkansas State line. (c) Between points in Missouri on or north of a line beginning at the Missouri-Kansas State line near Freeman, and extending along Missouri Highway 2 to Windsor, thence along Missouri Highway 52 to Tuscumbia, thence along Missouri Highway 17 to Buckhorn, thence along U.S. Highway 66 to Rolla, thence along Missouri Highway 72 to Frederickstown, and thence along U.S. Highway 67 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Louisiana on and east of a line beginning at the Louisiana-Texas State line near Starks, and extending along Louisiana Highway 12 to Kinder, and thence along U.S. Highway 165 to the Louisiana-Arkansas State line.

(d) Between points in Louisiana on or east of a line beginning at the Louisiana State line near Jones, and extending along U.S. Highway 165 to Tullos, and thence along U.S. Highway 84 to Vidalia, on the one hand, and, on the other, points in Kansas on, north, or east of a line beginning at Kansas City, and extending along Kansas Highway 10 to Lawrence, thence along U.S. Highway 40 to Topeka, and thence along U.S. Highway 75 to the Kansas-Nebraska State line. (e) Between points in Louisiana on or east of a line beginning at the Louisiana-Texas State line near Many, and extending along Louisiana Highway 6 to Clarence, thence along U.S. Highway 84 to Joyce, thence along Louisiana Highway 34 to Monroe, and thence along U.S. Highway 165 to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in Missouri on or east of a line beginning at the Missouri-Iowa State line near South Lineville, and extending along U.S. Highway 65 to Sedalia, thence along U.S. Highway 50 to Drake, thence along Missouri Highway 19 to Salem, thence along Missouri Highway 72 to Frederickstown, thence along U.S. Highway 67 to the Missouri-Arkansas State line. (f) Between points in Texas on or east of a line beginning at Brownsville, and extending along U.S. Highway 281 to Alice, thence over Texas Highway 44 to Robstown, thence over U.S. Highway 77 to Victoria, thence over U.S. Highway 59 to Houston, and thence over U.S. Highway 90 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Missouri on and east of U.S. Highway 63.

(4) *Iron and steel articles consisting of road and bridge building materials*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment). (a) Between points in Louisiana in or east of West Feliciana, West Baton Rouge, Iberville, Assumption, and Terrebonne Parishes, on the one hand, and, on the other, points in Missouri, Oklahoma, and that portion of Kansas within 300 miles of Joplin, Missouri. (b) Between points in Louisiana on or east of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 90 to Iowa, La., and thence over U.S. Highway 165 to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in Missouri, and that part of Kansas on or east of U.S. Highway 69. (c) Between points in Louisiana on or east of a line beginning at the Louisiana-Texas State line near Many, and extending along Louisiana Highway 6 to Clarence, thence along U.S. Highway 84 to Joyce, thence along Louisiana Highway 34 to Monroe, and thence along U.S. Highway 165 to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in Missouri on or east of U.S. Highway 63. (d) Between points in Louisiana, on the one hand, and, on the other, points in Missouri on or east of U.S. Highway 61. (e) Between points in Texas on or east of a line beginning at Laredo, and extending along U.S. Highway 59 to Houston, and thence along U.S. Highway 90 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Missouri on or east of U.S. Highway 63. (f) Between points in Texas on or east of a line beginning at Laredo, and extending along U.S. Highway 81 to San Marcos, and thence along Texas Highway 21 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Missouri on or east of a line beginning at Alexandria, and extending along U.S. Highway 61 to St. Louis, and thence along U.S. Highway 67 to the Missouri-Arkansas State line.

(5) *Iron and steel articles* consisting of mining, excavating, construction, and road building, contractors' equipment, and supplies, which by reason of size or weight requires special equipment, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment), between points in Indiana, on the one hand, and, on the other, points in Louisiana, and that part of Texas on or south of a line beginning at the Texas-Louisiana State line near Marshall, and extending along U.S. Highway 80 to Abilene, and thence along U.S. Highway 277 to Eagle Pass. The purpose of this filing is to eliminate the gateways of: (1) Lake Providence, La., and Pine Bluff, Ark. [proposal numbers 1 (a), (b), (c), (d), (e), (f), and (g)], (2) Lake Providence, La. Memphis, Tenn., and West Memphis, Ark. [pro-

posal numbers 2 (a), (b), (c), and (d)]. (3) Lake Providence and Delhi, La., and Union City, Tenn. [proposal numbers 2 (e), (f), (g), (h), and (i)]. (4) Lake Providence, La. [proposal number 3(j)]. (5) Lake Providence, La., Memphis, Tenn., and Joplin, Mo. [proposal numbers 3 (a), (b), (c), (d), (e), and (f)]. (6) Lake Providence, La., and Warren, Ark. [proposal numbers 4 (a), (b), (c), (d), (e), and (f)]. (7) Lake Providence, La., Memphis, Tenn., West Memphis, Ark., and Cairo, Ill. (proposal number 5).

No. MC–107295 (Sub-No. E2), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished wall paneling*, from Charlotte, N.C., (1) to points in Arizona, Louisiana, New Mexico, and Texas (Truman, Ark.);* (2) to points in Michigan and that part of Ohio in, east, and north of Lucas, Wood, Seneca, Crawford, Richland, Ashland, Holmes, Tuscarawas, Harrison, and Jefferson Counties (Chester, W. Va.);* and (3) to points in California, Colorado, Idaho, Illinois, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and that part of Indiana in, north, and west of Vigo, Clay, Putnam, Hendricks, Marion, Clinton, Howard, Miami, Fulton, Marshall, and Fulton Counties (Paris, Ill.).* The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E5), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Pipe, conduit, and tubing*, from points in Livingston County, Ill., to points in Delaware, Maryland, New Jersey, Virginia, West Virginia, that part of South Carolina in and east of Lancaster, Kershaw, Lee, Sumter, Clarendon, Dorchester, Colleton, and Jasper Counties, and that part of North Carolina in and east of Ashe, Wilkes, Caldwell, Catawba, Lincoln, and Gaston Counties (Seville, Ohio);* (B) *steel pipe, steel conduit, and steel tubing*, when utilized as building parts or accessories, from points in Livingston County, Ill., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont (Youngstown, Ohio);* and (C) *metal pipe, metal conduit, and metal tubing*, from points in Livingston County, Ill., to points in Louisiana, that part of Arizona on and south of a line beginning at the New Mexico-Arizona State line, thence along Interstate Highway 40 to Ash Fork, thence along U.S. Highway 66 to the Arizona-California State line, that part of Alabama in, south, and west of Baldwin and Washington Counties, that part of Mississippi in, south, and west of Bolivar, Sunflower, Humphreys, Yazoo, Madison, Scott, Jasper, and Wayne Counties, that part of New Mexico on and south of Interstate Highway 40/U.S. Highway 66, and that part of Texas in, south, and east of Wichita, Baylor, Haskill, Jones, Nolan, Mitchell, Howard, Midland, Ector, and Winker Counties (Pine Bluff, Ark), restricted in (A), (B), and (C), against the transportation (1) of oilfield commodities as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and (2) of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E123), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal panels*, when utilized as prefabricated building parts, from the plantsite and storage facilities of H. H. Robertson Company at Ambridge, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Galesburg, Ill.

No. MC–107295 (Sub-No. E124), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Edgewater, N.J., (1) to points in Arizona and California (Truman, Ark.);* and (2) to points in Idaho, Nevada, Oregon, Utah, and Washington (Kalamazoo, Mich.).* The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E125), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from East St. Louis, Ill., (1) to points in West Virginia (Brookville, Ind.);* and (2) to points in North Dakota and South Dakota (Fort Dodge, Iowa).* The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E126), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Deposit, N.Y., (1) to points in Arizona and California (Truman, Ark.);* and (2) to points in Idaho, Nevada, Oregon, Utah, and Washington (Kalamazoo, Mich.).* The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E127), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from Memphis, Tenn., (1) to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming (Truman, Ark.)*; and (2) to points in Connecticut, Delaware, Maine, Massachusetts, New Jersey, New York, Rhode Island, South Carolina, South Dakota, Vermont, West Virginia, and the District of Columbia (points in Henry County, Tenn.* The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E179), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from those points in Georgia on, north and east of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 20 to Atlanta, thence along Interstate Highway 85 to the Georgia-Alabama State line, to points in Florida. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–110525 (Sub-No. 273), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in Maryland to points in Iowa. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va.

No. MC–110525 (Sub-No. E284), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Nevada. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E289), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in North Dakota. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E296), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in Maryland to points in Texas. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Atlanta, Ga.

No. MC–110525 (Sub-No. E297), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Utah. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E298), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Washington. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E299), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Maryland on and east of Interstate Highway 81, to those points in that part of West Virginia on and west of a line beginning at the Maryland-West Virginia State line, then along U.S. Highway 219 to Bluefield, thence along U.S. Highway 19 to the West Virginia-Tennessee State line. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC–110525 (Sub-No. E300), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in the *Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Maryland to points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub-No. E354), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in that Jersey. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E355), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to pionts in that part of New York on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E356), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Michigan to points in North Carolina. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E357), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in that part of Pennsylvania on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E358), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Fort Lee, N.J.

No. MC–110525 (Sub-No. E359), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Michigan to points in South Carolina. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E361), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Vermont. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E362), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials) in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Virginia. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E363), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in West Virginia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E364), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in

Connecticut. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E365), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Delaware. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E366), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to the District of Columbia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E367), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Maine. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E368), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Maryland. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E369), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Massachusetts. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E370), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk in tank vehicles, from points in Mississippi to points in New Hampshire. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E371), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in New Jersey. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E372), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Rhode Island. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E373), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E374), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to point in Rhode Island. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E375), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in Mississippi to points in Vermont. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E376), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line, thence along Virginia Highway 311 to Roanoke, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E377), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in Mississippi to points in West Virginia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. 379), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Arizona. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E380), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, black liquor skimmings,

sulphate, and liquid alum), in bulk, in tank vehicles, from points in New Jersey to points in Arkansas. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Atlanta, Ga.

No. MC–110525 (Sub-No. E381), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in California. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E382), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Colorado. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E383), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) points in Aston and Middletown Townships, Delaware County, Pa., and (2) Baltimore, Md.

No. MC–110525 (Sub-No. E384), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in New Jersey to points in Florida. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E385), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in New Jersey to points in Georgia. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E386), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Idaho. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E387), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Illinois. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

No. MC–110525 (Sub-No. E388), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Indiana. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E389), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except bituminous products and materials), from points in New Jersey to points in Iowa. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

No. MC 110525 (Sub-No. E390), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Kansas. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E436), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in New Mexico. The purpose of this filing is to eleminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E437), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of New York on and east of Interstate Highway 81 to points in North Carolina. The purpose of this filing is to eliminate the gateways of Johnstown, Pa., and Baltimore, Md.

No. MC–110525 (Sub-No. E438), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of New York west of Interstate Highway 81 to points in North Carolina. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC–113843 (Sub-No. E23), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Minnesota. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC–113843 (Sub-No. E78), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from Buffalo, N.Y., to points in Vermont, New Hampshire, and points in that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Riceville, N.Y.

No. MC–113843 (Sub-No. E79), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries, frozen fruit and berry concentrates, and essence of fruits and berries*, from Buffalo, N.Y., to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Minnesota,

Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC–113843 (Sub-No. E80), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen juices, frozen berries, and essence of berries*, from Buffalo, N.Y., to Delaware, Maryland, Kentucky, and West Virginia. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC–113843 (Sub-No. E113), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Elmira, N.Y., and Detroit, Mich.

No. MC–113843 (Sub-No. E114), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boston, Mass., to points in Indiana. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC–114045 (Sub-No. E101), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Washington, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Louisiana, Oklahoma, or Texas.

No. MC–114045 (Sub-No. E119), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats* (except commodities in bulk, in tank vehicles), from Vineland, N.J., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E120), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables*, and *frozen berries*, and *frozen fish* and *frozen poultry* when moving in the same vehicle with frozen fruits, vegetables and berries, from points in Oregon to Pittsburgh, Pa., and points in Kentucky, Tennessee (except Memphis), and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–123048 (Sub-No. E22), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin, 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except commodities which because of size or weight require special equipment or special handling) from Schoolcraft, Mich., to points in Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, Oregon, North Dakota, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E23), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except commodities, the transportation of which because of size or weight require the use of special equipment or handling), from Shelbyville, Ill., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Crown Point, Md.

No. MC–123048 (Sub-No. E24), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *implements* and *parts thereof* (except commodities which because of size or weight, require the use of special equipment or special handling), from Schoolcraft, Mich., to points in Iowa, Minnesota, Missouri, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateway of South Bend, Md.

No. MC–123048 (Sub-No. E25), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except tractors, tractor parts, and tractor attachments and commodities the transportation of which because of size or weight require special equipment or special handling), from Waterloo, Iowa, to points in Georgia and Florida. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E26), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery* (except commodities the transportation of which because of size or weight require special equipment or special handling), from St. Nazianz, Wis., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Nevada, Tennessee, Texas, and West Virginia, restricted to shipments originating at St. Nazianz, Wis. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E27), filed May, 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. BOX A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities which because of size or weight require the use of special equipment or special handling), from Batavia, N.Y., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E28), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors*, from West Allis, Wis., to points in Oklahoma, restricted to traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E29), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (other than truck tractors and agricultural tractors), from West Allis, Wis., to points in Oklahoma, restricted to the transportation of traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E30), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm or industrial tractors*, not intended for over-the-road use in the movement of freight carrying trailers, from West Allis, Wis., to points in Arkansas and Louisiana, restricted to the transportation of traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E31), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from West Allis, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Nebraska, and South Dakota, restricted to the transportation of traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E32), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and farm tractors and except those which because of size or weight require the use of special equipment), from West Allis, Wis., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Michigan, Missouri, North Dakota, Ohio, Nebraska, and South Dakota, restricted to the transportation of traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E35), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and farm tractors and commodities which because of their size or weight require the use of special equipment or handling), from Detroit, Mich., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Kansas. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E36), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except commodities requiring the use of special equipment or special handling), from Detroit, Mich., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E37), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and farm tractors* (except commodities the transportation of which because of size or weight require special equipment or special handling), from Bettendorf, Iowa, and Rock Island, Ill., to points in Washington, Oregon, California, Georgia, Florida, and points in Arizona on and west of a line beginning at the Arizona-Utah State line, thence along U.S. Highway 89 to Flagstaff, thence along Interstate Highway 17 to Phoenix, and thence along U.S. Highway 80 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E38), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except commodities requiring the use of special equipment or special handling), from Detroit, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Washington, Wyoming, and Utah. The purpose of this filing is to eliminate the gateway of Racine, Wis., and the plantsite of Helix Corporation at Crown Point, Ind.

No. MC–123048 (Sub-No. E43), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except tractors, tractor parts and tractor attachments and agricultural implements requiring special equipment or special handling), from LaCygne, Kans., to points in Delaware, Maryland, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, and points in Ohio on and north of U.S. Highway 224, restricted to traffic originating at LaCygne, Kans. The purpose of this filing is to eliminate the gateway of Rochelle, Ill.

No. MC–123048 (Sub-No. E45), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery*, other than hand, as defined by the Commission (except commodities, the transportation of which because of size or weight requiring special equipment or special handling), from the plant site of the Helix Corporation at Crown Point, Ind., to points in Minnesota, Nebraska, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC–123048 (Sub-No. E46), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel wagon tanks* (except those which because of size, shape, or weight require the use of special equipment or special handling), from Minneapolis, Minn., to points in Illinois, Indiana, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Dane County, Wis.

No. MC–123048 (Sub-No. E47), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel wagon tanks* (except those which because of size, shape, or weight require the use of special equipment or special handling), from Minneapolis, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Rusk County, Wis.

No. MC–123048 (Sub-No. E48), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (other than hand), from LaPorte, Ind., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, restricted to traffic originating at the plant site of Allis-Chalmers at LaPorte, Ind. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC–123048 (Sub-No. E50), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements* (other than hand), from LaPorte, Ind., to points in Colorado,

restricted to the transportation of traffic originating at the plant site of Allis-Chalmers at La Porte, Ind. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC–123048 (Sub-No. E51), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (other than hand), from LaPorte, Ind., to points in Arizona, California, Idaho, Montana, New Mexico, Oregon, Washington, Wyoming, and Utah, restricted to the transportation of traffic originating at the plant site of Allis-Chalmers at LaPorte, Ind. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC–131179 (Sub-No. E1), filed April 22, 1974. Applicant: R. C. WILLIAMS INC., W. 40 Highway, Russell, Kansas 67665. Applicant's representative: R. C. Williams (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, between points in Texas on and north of U.S. Highway 66, on the one hand, and, on the other, points in Colorado, Kansas, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of points in Stevens, Haskell, Grant, Seward, Morton, Stanton, Finney, Kearney, Meade and Hamilton Counties, Kans., and Cimarron, Texas, and Beaver Counties, Okla.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–13023 Filed 6–5–74;8:45 am]

[Notice No. 95]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 26, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75056. By order of May 30, 1974, the Motor Carrier Board approved the acquisition of control by Von E. Wilson, Carl E. Rhyne, and Spencer H. Lusk of Knoxville Tours, Inc., Knoxville, Tenn., through purchase of stock from N. W. Wolfenbarger and Ella Mae Wolfenbarger; Knoxville Tours, Inc., holds licenses in Nos. MC–12669 and MC–12669 (Sub-No. 1) issued November 28, 1958, and October 31, 1969, authorizing it to engage in operations as a broker at Knoxville, Tenn., in connection with transportation by motor vehicle of passengers and their baggage, in all expense round-trip tours, beginning and ending at points in Anderson, Blount, Knox, and Sevier Counties, Tenn., and in special and charter operations, beginning and ending at points in 30 named counties in Tennessee and extending to all points in the United States, including Alaska but excluding Hawaii. James W. Bell, 203 Clinch Avenue SW., Knoxville, Tenn. 37902, Attorney for applicants.

No. MC–FC–75156. By order of May 29, 1974, the Motor Carrier Board approved the transfer to Mosca Bros. Moving & Storage, Inc., Rome, N.Y., of the operating rights in Certificate No. MC–14063 issued April 3, 1974, to Payne Trucking, Inc., Rome, N.Y., authorizing the transportation of household goods between New York, N.Y., on the one hand, and, on the other, points in New York, Massachussetts, New Jersey, Pennsylvania, West Virginia, Ohio, Connecticut, Maryland, Michigan, New Hampshire, and Vermont. Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019, Attorney for applicants.

No. MC–FC–75168. By order of May 29, 1974, the Motor Carrier Board approved the transfer to Obie Nations, doing business as Tyler Bus Lines, Tyler, Tex., of a portion of Certificate No. MC–37640 (Sub-No. 5) issued November 24, 1964, to Texas Bus Lines, a corporation, Galveston, Tex., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Tyler, Tex., to Mt. Pleasant, Tex.; between junction Texas Highway 155 and U.S. Highway 271, and junction unnumbered highway and U.S. Highway 271 east of Winona, Tex.; and between Gilmer, Tex., and Winona, Tex., serving named intermediate points. Mike Cotton, Esq., Attorney at Law, P.O. Box 1148, Austin, Tex. 78767.

No. MC–FC–75169. By order of May 31, 1974, the Motor Carrier Board approved ing, rugs, and padding from Inwood, N.Y. wood, N.Y., of the operating rights in Permit No. MC–134535 (Sub-No. 2) issued June 15, 1971, to Casale Contract Carriers, Inc., South Plainfield, N.J., authorizing the transportation of carpeting, rugs, and padding from Inwood, N.Y., to points in New Jersey, Philadelphia, Pa., Bridgeport, Conn., Staten Island, N.Y., and points in Bucks, Chester, Delaware, and Montgomery Counties, Pa., and Dedham, Mass. Edward F. Bowes, 744 Broad St., Newark, N.J. 07102, Attorney for transferee. Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368, Attorney for transferor.

No. MC–FC–75171. By order entered May 28, 1974, the Motor Carrier Board approved the transfer to James Transfer, Inc., St. Paul, Minn., of the operating rights set forth in Certificates Nos. MC–125370 (Sub-No. 2) and MC–125370 (Sub-No. 3), issued May 27, 1970, and February 6, 1974, respectively, to Maldwyn James, doing business as James Transfer, St. Paul, Minn., authorizing the transportation of malt beverages, from Milwaukee and Sheboygan, Wis., to Albert Lea, Austin, Owatonna, and Rochester, Minn.; from La Crosse, Wis., to Albert Lea, Austin, North Mankato, Owatonna, and Rochester, Minn.; and from St. Paul and Minneapolis, Minn., to points in Nebraska and that part of Iowa on and west of U.S. Highway 65, restricted against the transportation of shipments, destined to Mason City and Des Moines, Iowa. Howard S. Cox, 715 First National Bank Bldg., Minneapolis, Minn. 55402, attorney for applicants.

No. MC–FC–75172. By order of May 28, 1974, the Motor Carrier Board approved the transfer to Wells Express, Inc., Hoboken, N.J., of Certificate No. MC–42138 issued June 19, 1970, to Max Z. Shapiro, Kauneonga Lake, N.Y., authorizing the transportation of general commodities, with exceptions, between White Lake, N.Y., and New York, N.Y.; coal from Scranton, Honesdale, and Carbondale, Pa., to points in Sullivan County, N.Y.; and household goods between New York, N.Y., and points in Bergen, Hudson, Passaic, and Essex Counties, N.J., on the one hand, and, on the other, points in Sullivan County, N.Y. Mr. George A. Olsen (for Transferee), Registered Practitioner, 69 Tonnele Avenue, Jersey City, N.J. 07306; Leo Glass, Esq., (for Transferor), 248 Broadway, Monticello, N.Y. 12701.

No. MC–FC–75173. By order of May 30, 1974, the Motor Carrier Board approved the transfer to D. M. Bowman, Inc., Hagerstown, Md., of the operating rights in Permits Nos. MC–117613, MC–117613 (Sub-No. 1), MC–117613 (Sub-No. 2), MC–117613 (Sub-No. 6), MC–117613 (Sub-No. 7), MC–117613 (Sub-No. 11), and MC–117613 (Sub-No. 12) issued June 7, 1967, June 18, 1969, February 20, 1970, July 12, 1972, December 10, 1973, September 24, 1973, and April 8, 1974, respectively, to Donald M. Bowman, Jr., Hagerstown, Md., authorizing the transportation of various specified commodities, including brick and tile, from specified points in Virginia and Maryland to points in various eastern states, and building materials and supplies, from Gibbsboro, N.J., to points in named eastern states, under continuing contract, or contracts, with certain named shippers. Charles E. Creager, Registered Practitioner, 133 Overhill Drive, P.O. Box 1417, Hagerstown, Md. 21740, representative for applicants.

No. MC–FC–75177. By order entered May 30, 1974, the Motor Carrier Board

approved the transfer to Martin Truck Line, Inc., Henderson, Tenn., of the operating rights set forth in Permit No. MC-123347, issued July 6, 1972, to E. W. Peery, doing business as Peery Trucking Co., Miston, Tenn., authorizing the transportation of steel pipe, steel retaining walls, and pipe-piling corrugated steel used in the fabrication of steel pipe, steel retaining walls, and steel tunneling, steel sheeting, guard rails, and fittings, parts, and attachments used in connection with the fabrication and installation of such items when moving incidental thereto and in the same vehicle therewith, corrugated metal pipe, and fittings, accessories, and attachments thereof, and septic tanks, from, and to points in Alabama, Arkansas, Georgia, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas, with certain restrictions. R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13022 Filed 6-5-74;8:45 am]

[No. 35941]

WEST VIRGINIA INTRASTATE FREIGHT RATES AND CHARGES, 1973

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 2, held at its office in Washington, D.C., on the 22nd day of May 1974.

It appearing, That by order served in this proceeding on December 28, 1973, an investigation was instituted by this Commission under section 13 of the Interstate Commerce Act, pursuant to a petition filed by certain railroads operating in West Virginia, to determine whether the intrastate rate level in West Virginia is unlawful because it does not include increases corresponding to the interstate increases authorized in Ex Parte Nos. 281 and 295;

It further appearing, That on April 5, 1974, the same petitioners filed a petition for leave to file an accompanying amended petition; and that a reply thereto has been filed;

It further appearing, That by said amendment, petitioners seek to have included in the instant investigation the matter of whether West Virginia intrastate freight rates and charges are unlawful to the extent that they do not include also the interim increase of 4 percent authorized by this Commission on December 20, 1973 in docket No. Ex Parte No. 303, Increased Freight Rates & Charges—1974—Nationwide;

It further appearing, That petitioners state that they could not have included the amended relief sought in their prior petition filed December 7, 1973 because, as indicated, the interim increase in Ex Parte No. 303 was not authorized until thereafter on December 20, 1973;

It further appearing, That petitioners allege that the said Ex Parte No. 303 interim increase of 4 percent applied to West Virginia intrastate commerce would provide approximately $900,000 in increased annual revenues for railroads operating in West Virginia and a commensurate loss if not granted; and that failure to include such increase in West Virginia intrastate rates results, therefore, in unjust discrimination against and an undue burden on interstate commerce;

And it further appearing, That the instant proceeding has not yet been assigned for hearing nor any evidence submitted herein; wherefore and for good cause:

It is ordered, That the amended petition be, and it is hereby, granted, and the instant investigation is hereby broadened to include also the matter of whether the present intrastate freight rates and charges in West Virginia are in any manner unlawful under section 13(4) of the act by reason of the failure of such rates and charges to include the interim increase authorized in Ex Parte No. 303 or whatever other increase may be ultimately authorized therein during the pendency of this proceeding.

It is further ordered, That all parties hereto, including the common carriers by railroad operating in West Virginia and those persons who previously notified this Commission that they intend to participate in this proceeding, shall be notified of the amendment to the investigation by service of a copy of this order upon them; that a copy shall be served upon the Governor of West Virginia and the West Virginia Public Service Commission at Charleston; and that notice to the general public shall be given by depositing a copy in the office of the Commission's Secretary and by filing a copy with the Director, Office of the Federal Register, for publication therein.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12925 Filed 6-5-74;8:45 am]

[Notice No. 523]

ASSIGNMENT OF HEARINGS

JUNE 3, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 6, 1974.

MC-C-8131, Atlanta Motor Lines, Inc., et al. v. Brown Transport Corp., et al., now being assigned hearing August 6, 1974 (2 days), in Room 305, 1252 West Peachtree St. NW., Atlanta, Ga.

MC 118848 Sub-16, Domenico Bus Service, Inc., application dismissed.

W-552 Sub 15, American Commercial Barge Line Co., W-654 Sub 8, Warrior & Gulf Navigation Company—Extension—Tug & Barge, now assigned June 4, 1974, at Washington, D.C., is cancelled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-13018 Filed 6-5-74;8:45 am]

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THURSDAY, JUNE 6, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 110

PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

PILOT SCHOOLS

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12547; Amdt. No. 141–13]

PART 141—PILOT SCHOOLS

The purpose of this amendment is to revise the standards for the certification of Pilot Schools prescribed in Part 141 of the Federal Aviation Regulations.

Interested persons have been afforded the opportunity to participate in this amendment by a notice of proposed rule making issued as Notice 73–5 published in the FEDERAL REGISTER on February 8, 1973 (38 FR 4046). Approximately 675 individuals, aeronautical associations and Government agencies presented comments in response to the notice. Based upon the public comments and upon further review within the FAA, a number of changes have been made to the proposed rules. Except for minor editorial changes and except as specifically discussed hereinafter, this amendment and the reasons therefor are the same as those contained in Notice 73–5.

Proposed § 141.5(b) would have required, among other things, that within 24 months before the date of its application for a pilot school certificate an applicant must have trained at its present base of operations at least 20 applicants for pilot certificates and ratings. A number of persons objected to the requirement that the 20 applicants have to be trained at the school's present base of operations. The comments point out that this proposal would force schools that had poor locations to remain at those locations rather than to try to update their facilities. On the other hand, some schools might be required to move from their present base of operations in order to meet various other requirements of the proposal. None of these schools could receive credit for the students trained at the prior location in meeting the eligibility requirements of the proposal. The FAA now recognizes that under the proposal an applicant could be penalized for complying with the new standards. Moreover, the proposal would discourage applicants from moving for the purpose of improving their facilities. For these reasons the proposed requirement has been withdrawn. There were also a number of comments objecting to the requirement that an applicant for a pilot school certificate must have trained at least 20 applicants for pilot certificates and ratings within the 24 month period before the date of its application. The comments state that this requirement would create a severe burden on many small schools and on those schools located in areas where continuous flight training operations are hampered by seasonal weather conditions. After further consideration in the light of these comments, the FAA agrees that it is not necessary in order to establish an applicant's qualifications to require that the applicant have recommended for pilot certificates and ratings at least 20 applicants for those certificates and ratings. The FAA considers that by recommending 10 applicants for pilot certificates and ratings within the 24 months prior to his application, an applicant for a pilot school certificate has shown that he has adequate recent training experience for that certificate. Finally, the term "designated flight examiner" has been corrected to "designated pilot examiner."

Several commentators questioned the need for the restriction in proposed § 141.15 on the location of pilot schools outside the United States. It was argued that by adopting this proposed requirement the FAA would contribute to a further decline in U.S. civil aviation leadership and that the decision as to whether or not to grant a certificate for a school located in a foreign country should be based on business and public need. One commentator indicated that the certification of international schools has been a significant factor in the export of U.S. manufactured general aviation aircraft and the potential loss of sales, and consequent loss in the balance of payments to the U.S. far outweighs the relatively minor expense and time consumed to provide inspection and surveillance of pilot schools outside the United States. The proposed § 141.15 reflects a long standing policy in the FAA with respect to the certification of pilot schools and it does not appear that this policy has resulted in any of the problems referred to in the comments. Therefore, there is no reason to expect that those problems will now arise simply because the existing policy is stated in the regulation. The purpose of certificated pilot schools is to provide pilot training for citizens of the United States. This is consistent with a similar requirement in Part 145 of the FARs concerning repair stations.

Proposed § 141.17(b) provides that a certificated pilot school or provisional pilot school has 15 days after change in ownership in which to apply for an appropriate amendment to its certificate. In response to a number of comments, that period has been changed to 30 days. The FAA now considers that this is in keeping with good business practice and would still accomplish FAA's objective.

The final regulation contains the new § 141.18 *Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances* which was added to Part 141 by Amendment 141–12 adopted June 19, 1973 (38 FR 17493).

After further consideration, the FAA has determined that under proposed § 141.23(c), a pilot school must remove from its premises all indication that the school is certificated by the Administrator not only when its certificate is surrendered, suspended, revoked or has expired but also when the school is moved to another location. This is necessary to avoid misleading potential applicants should a non-certificated school occupy the premises vacated by a certificated school. In addition, the FAA is aware that proposed § 141.23 does not carry out the FAA's intent as set forth in Notice 73–5. As stated in the preamble to that Notice, proposed § 141.23 should have required that when a school's certificate is surrendered, suspended, terminated, or revoked, any indication (including signs) that the school is certificated by the FAA be removed. However, as drafted, proposed § 141.23(c) incorrectly limited this provision to the school's premises. This has been corrected in the final rule.

In response to comments concerning proposed § 141.27(c)(2), the FAA now considers that a one year required waiting period before the holder of an expired provisional certificate may reapply for a renewal of its provisional certificate is too restrictive. The FAA believes that a waiting period of 180 days is sufficient to ensure that the provisional school makes every effort to meet the requirements for a pilot school certificate. The proposal has been changed accordingly. In addition, after further consideration, the FAA has determined that proposed paragraph (b)(2) of § 141.27 serves no useful purpose. As proposed a pilot school need only enroll one student in a course of training in order to meet the requirements for the renewal of its pilot school rating. However, as proposed the provision provides no assurance that a student would be enrolled for the purpose of training and not merely for the purpose of the certificate renewal. This provision has been withdrawn and after further study, may become the subject of a separate rule making action.

Proposed § 141.29 covers the validity of pilot school certificates that are in effect on the date that the revised Part 141 becomes effective. As proposed under paragraph (a) a pilot school certificate issued before the effective date of revised Part 141 remains in effect until the expiration date of that certificate unless it is sooner surrendered, suspended, or revoked. This will allow schools holding certificates on the effective date of revised Part 141 to continue to train students under the provisions of old Part 141 until the certificates expire (24 months after date of issuance) and will also allow students already enrolled in the school to continue their training. As pointed out in the preamble to Notice 73–5, the proposal also provided in paragraph (b) for the renewal of a pilot school certificate issued prior to the effective date of the revised Part 141 for the period of time necessary for those students who are enrolled in the school prior to the effective date of the revised Part to complete their training but in no event would the certificates be renewed for a period longer than 24 months after the effective date of the revised Part. This has been clarified in the final rule. In order to implement § 141.29, an amendment to Part 61 is being processed concurrently with this final rule which allows graduates of pilot schools operating under certificates issued under old Part 141 in accordance with § 141.29 to be tested for their pilot certificates under the requirements of Part 61 in effect prior to November 1, 1973. Under these provisions for a period of time some schools may hold dual certificates.

There were a number of objections to proposed § 141.31. As proposed the section prescribed the facilities an applicant must have available on a "continuous use" basis in order to obtain and hold a pilot school or a provisional pilot school certificate. As used in the proposal, a person has "continuous use" of a facility, including an airport, if it has

the use when needed as the owner or under a written agreement giving it that use for at least one year from the date of application for the initial certificate or a renewal. Most of the comments noted that since leases are negotiated for a year or less it would be extremely difficult under the proposal to have a lease coincide with application for initial certification or for renewal of a certificate. Moreover, FAA approved military schools rarely get a one year lease from the Government and a municipality may not wish to include an airport in a lease for one year. Based on these comments and after further study, the FAA does not consider it necessary to require a pilot school to have the use of a facility, including an airport, under a written agreement for a minimum of one year. It is enough if the school has "continuous use" at the time of application for, or renewal of, a certificate and for at least six months thereafter. This should meet the objections raised by the comments and, at the same time, assure that the schools will have the facilities and airports to provide the necessary continuity in training for their students.

Many of the persons commenting on § 141.33 apparently thought that the proposal would have prevented an applicant for a pilot school certificate from designating more than one instructor to assist the chief instructor. This was not intended and the proposal has been changed to require that, where necessary, a pilot school applicant shall designate at least one instructor to assist the chief instructor and to serve for him in his absence. In addition, the word "operations" has been deleted from § 141.33(a)(1) to make it clear that a pilot school applicant must show that it has adequate personnel and authorized instructors regardless of their assigned responsibilities.

A large number of comments were received with respect to the chief instructor qualifications in § 141.35. A majority of these comments objected to some aspect of this proposal. Among the more pertinent comments, was the comment that under the proposal, a person may qualify as a chief flight instructor with one year's experience as a flight instructor in an approved training course of a certificated pilot school. The comment pointed out that this could result in a flight instructor who has been employed on a "part time" basis and who has given a minimum of flight instruction being appointed to the responsible position of chief flight instructor. In addition, it was pointed out that the flight instructing experience required for a chief flight instructor in airplanes should be comparable to that required for helicopters, gliders, and as an instrument instructor. The comments also indicated that 1,000 hours of flight instructing experience in an airplane is unrealistic and unnecessary. Most commentators thought that the requirement of 500 hours as a certificated classroom instructor for a chief instructor in a ground school course should be deleted since there is presently no requirement to log or record classroom instruction. It was also suggested that the requirements for an assistant chief instructor should be reduced by 50 percent.

The FAA sees merit in most of the comments received on this proposal. After further consideration, it appears that the proposal should be given additional study, Therefore the proposed requirements have been withdrawn except those which require the chief instructor to pass an oral test on Parts 61, 91 and 141 and on the training standards of the course for which he is designated and to pass a flight test on the procedures and maneuvers appropriate to that course. In the meantime, the current requirements governing the chief flight instructor as set forth in present § 141.59 have been retained. They have, however, been revised to remove obsolete terms without making any substantive changes and without imposing any additional burdens on any person. Contrary to the opinions expressed in some of the comments, the FAA considers that an assistant chief instructor should meet the same experience and knowledge requirements as the chief instructor in order to prevent any derogation in the quality of instruction during the chief instructor's absence. Finally, the term "classroom instructor" has been corrected to "ground instructor" since there are no certificated classroom instructors.

By far the most controversial proposal in Notice 73–5 was the proposed new requirement for airports in § 141.37. Most commentators pointed out that very few airports currently used by pilot schools could meet these requirements and that many pilot schools use municipal facilities over which they have no control. They indicated that pilot schools must use the available airports, therefore the requirements for those airports should be limited to the minimum needed for safety. In view of the overwhelming number of comments in opposition to the proposed requirements, and based upon further consideration within the FAA, it has been determined that the proposed requirements exceed those necessary for a majority of the training aircraft in use today. The FAA is now aware that only a few of the airports available to pilot schools, including those recently constructed to FAA specifications, could meet the proposed standards. For the foregoing reasons, and in response to the comments, the FAA has determined that the present airport standards in Part 141 (§ 141.51(a)) should be retained as the minimum standards. However, the FAA considers that the requirements for a wind direction indicator, a traffic direction indicator and airport lighting as proposed in Notice 73–5 constitute a necessary upgrading of airports used by pilot schools and should be required in the interest of safety. With these exceptions, the proposed airport requirements have been withdrawn.

Section 141.39 of Notice 73–5 proposed requirements for the aircraft used by pilot schools. All of the comments concerning this proposal expressed concern over the requirement for an "operable transponder" in aircraft used for flight instruction and solo flights in IFR enroute operations and instrument approaches. The comments pointed out that under other regulations, in the airspace where transponders are required equipment in all aircraft, training aircraft along with other aircraft must have the transponder. However, in many areas of the country a transponder may not be usable due to the lack of ground radar coverage in the low altitude regions where most training flights are conducted. Moreover, it was pointed out that students may be instructed in the use and operation of transponder equipment by means of simulators and other ground training aids. Therefore, there is no need for a requirement in Part 141 that each aircraft used in IFR training be equipped with an operable transponder. The FAA agrees and the proposed requirement has been withdrawn.

There were some objections to the requirements in § 141.41 dealing with ground trainers and training aids. In particular the comments objected to the requirements that a pilot ground trainer must have an enclosed pilot's station or cockpit and must simulate motion. The comments indicated that such requirements are unnecessary. The FAA does not agree. An enclosed pilot station or cockpit is necessary not only to simulate the environment of instrument flight but to separate the student from distractions around the ground trainer. Moreover, the fundamentals of VFR flying require the student to relate motion to control movement. There were also some objections to the requirement that a ground trainer used for IFR instruction have a means of recording flight path. However, the FAA believes that such a requirement is necessary for effective IFR ground trainer instruction. Both the student and the instructor benefit when the trainer provides the capability of reconstructing a flight with a visual record of any mistakes made by the student. These proposed requirements have, therefore, not been changed. However, from the comments received in response to proposd § 141.41, it appears that there are a larger number of ground trainers currently being used by pilot schools that do not meet all of the requirements proposed in that section. Nevertheless, these other trainers can be used to provide effective instruction in certain of the operations required in an approved training course curriculum and there appears to be no reason why pilot schools should not be allowed to continue using those trainers for instruction. However, because of their limitations, full credit against flight time as proposed in the notice should not be allowed for instruction in such trainers. The final provisions in Appendixes A, C, D, E and F allow a credit for instruction in the other trainers of not more than 50 percent of the credit against flight time proposed for instruction in a ground trainer meeting all of the proposed requirements. This minor relaxation of the proposed requirement should not reduce the standard of training provided for in Notice 73–5. Finally, it appears from the

comments that the requirement that training aids and equipment must be adequate in size for the class and classroom for which it is used has resulted in considerable confusion. Upon further consideration, the FAA has determined that this proposed requirement is unnecessary and it has been withdrawn.

The term "readyroom" is used in § 141.43 and throughout the proposal. However, this term is now considered inappropriate and the more descriptive term "briefing area" is used in its place in the final rule. With further reference to § 141.43, the FAA does not now consider it necessary to require that the briefing areas be "located near the ramp and accessible to the dispatch office." In the light of the comments, the FAA believes that the schools should be allowed to locate their "briefing areas" where they best serve the particular needs of the school and its students and proposed § 141.43(a)(3) has been withdrawn. As proposed under paragraph (b) of § 141.43, an applicant for a pilot school certificate would have had to show that its required readyroom (now briefing area) was not available for use by another school or business during the time that it was required for use by the applicant. Some comments referred to this requirement as unnecessarily adding to the physical space required for a school and the expense of maintaining that school. The comments recommended a change in the proposal and they argue that there should be no conflict if a pilot school's briefing area is available for use in its air-taxi operations or in its business of serving transient pilots or aircraft renters at the same time that it is to be used by its students. After further consideration of this proposal, the FAA agrees that the use of a briefing area by the passengers of an air-taxi/commercial operator, or by transient pilots, or aircraft renters at the same time that it is available for use by a pilot school should not create interference with the functions of the schools and these are the only types of businesses likely to be using the facilities when they are also being used by the school. However, as proposed, the FAA still believes that it would not be appropriate to allow the simultaneous use of a briefing area by the students and instructors of more than one pilot school.

The term "classroom" has been changed in proposed § 141.45 and throughout the remaining provisions of Part 141 in response to a number of objections. The FAA believes that this provision should cover all training areas. Learning booths or corrals may be used more effectively in some learning situations and the requirements for lighting, heating and ventilation should also cover those training areas rather than be limited to the traditional "classroom." For this reason the title of proposed § 141.43 has been changed to "Ground training facilities." A number of commentators objected to the requirement that a classroom be located so that the students in that classroom would not be distracted by flight and maintenance operations on the airport. The comments indicated that small operators could be required to construct classrooms in order to meet this requirement. The FAA is aware that many ground training facilities are located on airports and that there will be occasional distractions created by operations on the airport. The purpose of this requirement is to isolate the ground training facilities from those routine operations on an airport that are continually distracting to students. The benefits to be derived from this proposal outweigh any financial burden that may result from compliance with the requirement.

In connection with proposed § 141.53, a large number of comments suggested that the FAA should prepare and publish sample course outlines for the pilot schools rather than require the schools to prepare and obtain approval of their own. This matter was considered at the time that Notice 73–5 was developed. As stated in the notice, consistent with the new total operational training concept incorporated in the recent revision to Part 61 of the Federal Aviation Regulations, a revamped concept of pilot training by a certificated pilot school is also necessary. In developing the proposed revision to Part 141 the major emphasis centered around the ability of a certificated school to, among other things, develop its own course of training. To assist the schools in the preparation of their training courses and to provide the desired standardization, the FAA has included a curriculum for each flight course in an Appendix to Part 141. This should reduce to a minimum the variance in the training courses approved in the district and regional offices throughout the FAA. Therefore, the FAA does not consider it necessary or appropriate to develop sample course outlines. The minimum curriculum prescribed for each training course substantially reduces the burden on the schools and provides the information needed to develop appropriate training courses. In addition, the FAA intends to provide additional guidelines for the benefit of all interested persons in the form of Advisory Circulars.

With further reference to § 141.53, a comment was received requesting that, in light of the requirement in § 141.13, it be made clear that an amendment to an existing course outline can be made without providing three copies of the entire course outline to the FAA. The FAA agrees and paragraph (b) of § 141.53 has been changed to make it clear that only three copies of the pages in the course outline to be amended need be furnished the FAA when an amendment to an approved training course is requested.

Section 141.55 is another of the proposals in Notice 73–5 which received substantial comments. Section 141.55 sets forth the required contents of the training course outline. Many of the commentators repeated their requests for FAA prepared course outlines. This suggestion has not been adopted, however, for the reasons discussed in connection with proposed § 141.53. However, a number of suggested changes have been made to § 141.55. In response to comments, the proposed requirement for a description of each audio-visual aid, projector, tape recorder, etc., in each training course outline, has been changed to require only that the outline contain a description of the "types" of such equipment. Thus, multiples of similar instructional aids need not be individually described. It should also be made clear that modern individual instructional aids, along with other training aids may be used in a course of training as long as the course objectives and standards as specified in this section are attained. In addition, the proposal has been changed to require a listing of the airports at which training flights originate rather than a description of those airports. Airport descriptions are on file with the FAA and are regularly published in the Airmen's Information Manual and other government manuals. On the other hand, as proposed, the final rule still requires a description of the facilities that are available for use by students and operating personnel at each airport. Proposed paragraph (b)(4) required that the tests and checks used to measure a student's accomplishments be included in the training syllabus. This was an oversight since such a requirement would destroy the integrity of those tests and checks. Since a description of the tests and checks will give the student the necessary information concerning the techniques that will be used to measure his progress, this is all that is required in the final rule.

The qualifications for examining authority under proposed § 141.63 have been changed in response to a large number of comments. The requirement that an applicant must have actively conducted a certificated pilot school "at its present base of operations" for at least 24 months has been withdrawn. The FAA agrees with the commentators that under this proposal a school that had poor facilities or a poor location would probably elect to remain at that location in order to meet this requirement rather than relocate to improve the school. This would not be in the public interest. Moreover, the FAA no longer believes that an applicant for an examining authority need graduate at least 20 students during the 24 months prior to its application. This provision would penalize the smaller schools and those schools in locations where continuous operations are hampered by seasonal weather conditions. For this reason, the proposal has been changed so that a school need graduate only 10 students during the preceding 24 months in order to be eligible for examining authority. Finally, proposed paragraph (b)(3) has been withdrawn. The proposal did not specify the kinds of violations involving pilot training which would make an applicant ineligible for examining authority. The comments generally requested a listing of those violations. The proposal covered all possible violations and a listing as requested is unnecessary. However, the FAA now believes that in light of other provisions in the regulation which estab-

lish the qualifications of the applicant through a showing of its training skills and management ability, the entire requirement is unnecessary.

As proposed under § 141.65 a pilot school holding an examining authority may recommend graduates of that school's approved certification courses for any pilot certificate and rating without taking the FAA flight or written test. The FAA is now aware that the failure to exclude flight instructor certificates, airline transport pilot certificates (ATR) and associated ratings and turbojet type ratings from that provision was an oversight. The examining authority is now and has always been limited to private and commercial pilot certificates and even with the increase in qualifications required of applicants for, and holders of, an examining authority under this proposed revision the FAA does not consider that the extension of that authority to cover instructor and airline transport pilot certificates and turbojet type ratings to be in the interest of safety. New Part 61 contains sweeping changes which establish new concepts of pilot training with the flight instructor as the keystone. Under new Part 61, the flight instructor will assume full responsibility for all phases of the required flight and ground training. Insofar as turbojet type ratings are concerned, most pilot schools have little experience with such sophisticated equipment and do not have the expertise to conduct a training course for such a rating without close monitoring by the FAA. In recognition of the need for high testing standards, the FAA maintains a continuous training program at the Aeronautical Center to qualify and keep current its most experienced inspectors to conduct turbojet practical tests. The average pilot school would not have access to such a specialized program. Finally, because of the privileges granted to the holder of an airline transport pilot certificate, the FAA feels it must retain sole authority for testing applicants for such certificates. An airline transport pilot certificate authorizes the holder to act as pilot in command of large aircraft engaged in air carrier and commercial operator operations governed by Part 121 of the FARs. The standards for airline transport pilots are constantly being monitored by the FAA and it would present a difficult task to disseminate the changes resulting from this monitoring program to all pilot schools for incorporation into their testing program. The FAA believes that it would be unfair to require anyone outside of the FAA to assume this burden. For the foregoing reasons, it would not be in the public interest, and the FAA did not intend, to give pilot schools authority to test applicants for the flight instructor and ATR certificates and for turbojet type ratings. Therefore, the proposed examining authority in § 141.65 insofar as it applied to instructor and ATR certificates and turbojet type ratings has been withdrawn.

In response to various comments paragraph (a) of § 141.67 has been revised to make it clear that the written or flight test referred to therein is an "FAA" written or flight test and that the holder of an examining authority may not recommend a person for the issuance of a pilot certificate or rating without taking the FAA tests unless that person has "satisfactorily" completed all of the approved course of training at the holder's school. Paragraph (b) has been revised to make it clear that the final written or flight test given by the holder of an examining authority must be given to a person who has completed the approved course of training and not to a person who has only enrolled in that course.

There were some objections to the requirement that a pilot school could not use a test more than once unless it contained appropriate changes in substance to preclude a compromise of the test by the students. The comments characterized this proposal as unrealistic and pointed out that the very active pilot schools would be constantly revising their tests. The FAA recognizes that the proposal creates some burden on the schools. However, it also recognizes the need to preclude the ground school written tests from being compromised. In light of the foregoing, the final rule has been relaxed and now prohibits any school from using a test it or the appropriate FAA District Office knows, or has reason to believe, has been compromised. This accomplishes the purpose of the proposal but does not require that each test be regularly revised.

The comments on § 141.75 stated that the check list contained in various operators handbooks should be adequate for the purpose of this regulation and recommended that the requirement for a separate check list be withdrawn. The FAA does not agree. A check list separate from the owners manual or operators handbook is essential in the interest of safety, particularly when there is only one pilot aboard the aircraft. The check lists in general use today, and which are the kind intended to be used under this proposal, contain the necessary items covering, among other things, preflight, takeoff, climb, cruise, prelanding, and emergency procedures, organized for efficient utilization. For safety reasons, such a check list must be readily accessible to the pilot, especially the student pilot, at all times, particularly during emergencies. The FAA does not believe that in an emergency a pilot school student should have to search through the pages of a manual or handbook to find the appropriate emergency procedures or any of the other necessary procedures. For this reason the proposal has not been changed.

A substantial number of comments objected to the proposal in § 141.77 that would prohibit the holder of a pilot school or provisional pilot school certificate from crediting a student with instruction or training received in another school for more than one-half of the lessons in the crediting school's approved training course. The commentators generally thought that in view of the intended upgrading of pilot schools under Notice 73–5, this proposal was arbitrary, discriminating, antiquated and indicated a lack of confidence in FAA approved schools. The comments pointed out that the proposal does not take into account the intended standardization of flight training systems throughout the industry and the proposed rule would allow only 50 per cent credit to a student for previous training even though the previous school and the new school had identical curriculums and training systems. Moreover, the proposal would not allow credit for previous training at other than an approved school which implies that the receiving school is not competent to judge a student's ability or entrance point in a training program. After full consideration of the comments the FAA now considers that the proposal is not in the public interest. It could in some instances work a severe hardship on the students, particularly VA students. Such students if forced to transfer to another school because of a need to relocate, could be required to retake a portion of their training, and the VA may be reluctant to pay for that training again. The present requirements of § 141.11(b) have been in effect for a number of years and have provided the necessary and appropriate latitude to pilot schools with respect to crediting a student's previous training. This revision to Part 141 constitutes an upgrading of the standards for pilot schools and for the first time requires that pilot schools certify as to the training that has been completed and the results of that training. Therefore, the FAA believes that the proposed limitation on crediting a student with instruction or training received in another school should be withdrawn and that the appropriate requirements in present § 141.11(b), should be retained.

A large number of persons objected to the proposal in § 141.79 providing that a student may not be authorized to start a solo practice flight from an airport until the flight has been approved by the authorized flight instructor who is present at that airport. The comments pointed out that in advance courses, a certificated pilot may be given the assignment of several practice flights before returning for a lesson with the instructor and there is no need for an authorized flight instructor to be present at the airport for each of these practice flights. A flight instructor should be able to authorize solo practice flights without waiting to dispatch a student on each practice flight. After further consideration the FAA agrees that the proposed requirement imposes an unnecessary burden on school operations with respect to students in the advanced courses. However, the student pilots in the Private Pilot Certification Course and the Private Test Course need close supervision and should not be allowed to start a solo practice flight until so authorized by the authorized flight instructor who is present at the airport. This is consistent with the requirement in Appendixes A and B that each student be given a preflight briefing and a postflight critique by the instructor after each training flight. The FAA agrees that the same supervision is not

necessary with respect to the more advanced courses which involve pilots holding at least a private pilot certificate. In this connection, the final rule does not require that a preflight briefing or a postflight critique be included in the curriculum for the advance courses. Finally, a minor change has been made in paragraph (d) to make it clear that flight instructors and not ground instructors must accomplish the required flight check.

Consistent with the change previously discussed concerning proposed § 141.35, the title to proposed § 141.81 has been changed to "Ground training." A number of comments concerning § 141.81 expressed the opinion that there is no need for the requirement that the chief instructor must be present and available during the time that ground training instruction is being given by a person who does not hold a flight or ground instructor certificate since the proposal also requires that such instruction be given under the direct supervision of the chief instructor. The commentators also indicated that even though the instructor is uncertificated, if he were found qualified to instruct by the chief instructor, as the proposal requires, he should be able to instruct without the chief instructor being present and available at the base when that instruction is being given. The FAA does not agree. The chief instructor must always be available at the base where instruction is being given for consultation with both certificated and uncertificated instructors on matters requiring his instruction and decision. In addition, since the chief instructor is allowed under this regulation to use uncertificated persons as ground instructors based on his own evaluation of their qualifications, the FAA believes that he must exercise direct supervision over that instruction and he must, therefore, be present at the base during the time that the instruction is being given. The FAA was concerned that this might not be obvious to all persons and in order to avoid confusion the proposed regulation contained both requirements. The comments clearly indicate the need to retain that part of the proposal. On the other hand, the certificated instructor has established his qualifications in accordance with the requirements of Part 143 of the FARs, and does not require supervision from the chief instructor to the same extent as the uncertificated person, even though the chief instructor would always be required to exercise the general supervision necessary to maintain training techniques, procedures and standards for the school as required in § 141.85. In any event, the requirement that the chief instructor must be present at the base when ground instruction by an uncertificated instructor is being given should impose no hardship on the chief instructor since he must approve the use of the uncertificated instructor and can schedule his time accordingly. Finally, the FAA believes that the ground school instructor should be permitted to give instruction under the direct supervision of either the chief instructor or his assistant chief instructor since they must meet the same requirements. The proposal has been changed accordingly.

Proposed paragraph (c) of § 141.83 requires that each school allow the Administrator to make tests, flight checks, or examinations of its students to determine compliance with the school's approved course of training. However, as proposed, the section does not expressly require that each school comply with its approved course of training. Therefore, paragraph (a) in the final rule has been corrected consistent with the requirements of paragraph (c) to make it clear that each school must comply with its approved course of training. Finally, in response to a number of comments, proposed § 141.83 has been changed to allow the tests given by a designated pilot examiner as well as the tests given by an FAA inspector to be used in measuring the quality of instruction of a certificated school.

A number of commentators expressed confusion concerning the general requirement in proposed § 141.85 that a chief instructor or his designated assistant must be present and available at the school's base of operation during the time that instruction is being given in an approved course of training. Since § 141.85 covers both flight and ground instructor responsibilities, the FAA recognizes the need to clarify this requirement consistent with the changes to the provisions of proposed § 141.81 for ground instructors. As previously stated, instruction by an uncertificated ground instructor must be under the direct supervision of the chief instructor and the chief instructor must, therefore, be present during the time that instruction is being given. This requirement is set forth in § 141.81 and there is no need to repeat it in this section. On the other hand, the chief instructor must always be available for consultation at the school's base of operation during instruction in an approved course of training whether the instruction is given by a certificated or an uncertificated instructor. This change is reflected in § 141.85 for both flight and ground instructors.

Proposed § 141.87 would have allowed the holder of a pilot school certificate to continue to conduct training or instruction for a course without a chief instructor for that course for a period of not more than 30 days pending the designation and approval of another chief instructor. The FAA now agrees with the majority of comments concerning this provision that 30 days does not provide sufficient time for most schools to obtain a qualified chief instructor and agrees that schools should have 60 days in which to obtain the services of a chief instructor. This change should have no adverse affect on safety since during this 60 day period, each stage and final test of a student enrolled in the approved course of training must be given by an FAA inspector or designated pilot examiner.

The proposed satellite base requirements in § 141.91 received a number of comments, principally regarding the 25 mile limitation and the requirement that the chief instructor has to be readily available for consultation. Many commentators were under the impression that like similar provisions in proposed §§ 141.81 and 141.85, this proposal required the chief instructor to be present at the satellite base during training or instruction in an approved course. This, however, was not proposed. As proposed the chief instructor need merely be available for consultation and the 25 mile limitation on satellite bases makes this a feasible requirement. Thus, in order to assure that a chief instructor can provide the necessary supervision and meet his other responsibilities with respect to a school's main base of operation and its satellite bases, the FAA considers it necessary to retain the 25 mile limitation as proposed.

A number of comments objected to the provision in proposed § 141.93 that required pilot schools to furnish each student, upon enrollment, with a copy of the approved training course outline. The FAA agrees and the final rule requires only that each student be furnished a copy of the training syllabus required in § 141.55(b). The training syllabus should provide the student with all the material he needs to enroll, train and graduate from an approved course. The training course outline will always be available at the school for examination by any interested student. Several commentators requested that the proposal be changed to require a school to forward a copy of each certificate of enrollment to the FAA District Office within a week or even a month after enrollment rather than within 5 days as proposed. The FAA does not agree. A weekly or monthly report would not serve the intended purpose. A pilot school could enroll, train and graduate a student from some short courses in less than a week. Under these conditions, the FAA could receive an enrollment certificate after the student had graduated with the result that there would not be proper surveillance of the short courses. Finally, the provision in paragraph (a) of § 141.93 requiring that a certificate of enrollment contain the date on which a student is required to complete the course has been withdrawn. This is consistent with the action taken by the FAA with respect to proposed § 141.95(c) in this final rule.

Numerous comments objected to the time limits for course completion specified in § 141.95(c). The comments pointed out that in some cases the student may have commitments that would prevent him from proceeding toward course completion at a normal rate and, in other cases, weather or other unforeseen circumstances could affect his course timing. The comments noted that while the use of prepared individual instructional programs encourage and facilitate the completion of courses on a predetermined schedule, the penalty under § 141.95(c) for failure to meet that schedule is severe and is unnecessary. The proposal was based on the FAA's belief that recent experience and a reasonably active train-

ing schedule are essential to good flight training and that active, diligent students graduate in the minimum time, with lower costs to themselves. The failure of pilot schools to graduate students after enrollment has been a longstanding problem and the proposal was designed to meet that problem. However, the FAA recognizes from the comments received that the schedules proposed for course completion were too restrictive and that the proposal did not provide the necessary flexibility. Nevertheless, the FAA believes that appropriate schedules for course completion can be developed and that such schedules should be established. This proposal has been withdrawn and will be given further study for inclusion in a future rule-making action.

Several comments recommended that the proposed Subpart F covering training records be withdrawn. The comments stated that it imposes an unnecessary and costly burden on the pilot schools. The FAA does not agree. This requirement will provide valuable records for students who transfer to other schools and will provide the long needed participation and accomplishment records for all students.

The proposed Appendixes which set forth the minimum curriculum requirements for each pilot training course also received a large number of comments in response to the Notice. The pertinent comments and the disposition of those comments are discussed separately for each Appendix.

Appendix A. A number of comments suggested that this Appendix should be revised to provide for advanced systems of instruction that coordinate learning in various subjects rather than treating each subject as a complete entity, unrelated to other subjects. The commentators expressed the opinion that the best course of instruction is one which furnishes information of the Federal Aviation Regulations, Navigation, Air Traffic Control, and Weather in cohesive units consistent with the student's progress in flight, his "need to know," and his ability to understand subjects in their application. The comments further indicated that where the subjects are taught as a coordinated whole, it is not practical to give examinations at the completion of each "group of classroom subjects" as proposed under paragraph 5(b). It is only practical to give examinations upon completion of each stage of training specified in the training syllabus required in the training course outline. The FAA agrees that modern training techniques and demands make it feasible to allow pilot schools to give their training courses by means of formal classroom instruction or individual instruction, as needed. The FAA believes that the position presented by the comments with respect to stage and final tests is valid and the proposal has been changed to require each student to satisfactorily accomplish a written examination at the completion of each stage of training specified in the approved training syllabus and a final test at the conclusion of the course. This also applies to the similar provisions in the other appendixes, and appropriate changes have been made to the stage and final test requirements of those appendixes.

It appears that there was some confusion concerning the term "classroom instruction" as used in all of the Appendixes. The comments point out that modern course materials intermix materials relating to the operation of aircraft, such as weight and balance computations, with basic principles of flight as appropriate to the stage of development of the student. These comments suggest that provision be made to allow the pilot schools to cover these subjects either in individual courses or in classroom instruction. The FAA did not intend, by using the term "classroom instruction," to prohibit individual instruction not conducted in a classroom. To make this clear, the term "classroom instruction" as used in each Appendix has been changed to "ground training" in the final rule.

Various comments concerning Appendix A, as well as Appendixes B, D, and E state that the requirement for a preflight briefing and a postflight critique for each training flight is unrealistic. They point out that many advance students may be scheduled for a solo practice flight with complete confidence without a preflight briefing or postflight critique by the flight instructor. The FAA agrees that not all training flights require a briefing and critique. However, the FAA considers that student pilots need a preflight briefing and postflight critique on all training flights. As discussed in connection with § 141.79, the more advanced students do not need this close supervision. Since the training flight involving student pilots would occur in the private pilot certification courses, the proposed requirement is retained in Appendixes A and B. It has been withdrawn from the remaining appendixes.

In reviewing the requirements of proposed paragraph 4 of Appendix A concerning solo flights, the FAA realizes that the proposal did not take into consideration schools located on islands where the required cross-country flights cannot be made safely. Therefore, to accommodate those shcools the provisions of paragraph 4 have been changed consistent with the new provisions in Part 61 to except schools located on islands where cross-country flights cannot be accomplished without flying over water more than 10 nautical miles from the nearest shoreline from compliance with paragraph 4. However, if other airports are available that permit civil operations and to which flights may be made without flying over water for more than 10 nautical miles, the school would have to show that its students completed two round trip solo flights between the airports that are farthest apart. Since any limitations on the cross-country training received by a graduate of a private pilot certification course is important for the purpose of certification under § 61.111 of Part 61 of the FARs, it is necessary that the pilot school indicate whether the graduating student met the full cross-country requirements or those applicable to pilot schools on small islands. The provision of § 141.95(b) have been changed accordingly.

Consistent with the relaxatory changes made in proposed § 141.77 the FAA has withdrawn the proposal which would have prohibited pilot schools from granting credit to its students for prior pilot training experience and tests.

Finally, a number of persons expressed the view that more flexibility should be provided in allocating the minimum of 35 hours of flight training between instructional and solo flights. It was suggested that the minimum time required for flight instruction be reduced from 20 to 15 hours and the minimum solo time be reduced from 15 to 10 hours with the remaining 10 hours to be allocated among instructional time, solo time and trainer time as deemed appropriate. The FAA does not agree. Revised Part 61 is the testing medium for all applicants and requires considerably more knowledge and skill than was previously required. The flight times proposed in the Notice provide the minimum training necessary to obtain the experience and skills needed under the revised testing requirements of Part 61.

Appendix B. With respect to Appendix B, Private Test Course (airplanes), the comments pointed out that the requirement for 12 hours of flight instruction under paragraph 4 would result in a student having 42 hours at graduation, whereas, only 40 hours is required under Part 61 of the FARs. Since it was not intended that the student in a pilot school meet higher requirements concerning flight time and training than required under Part 61 of the FARs, the proposal has been changed to require only a total of 10 hours of flight instruction under paragraph 4.

In addition, the experience requirements have been changed in format only to make them consistent with the similar requirements in Appendix E covering the Commercial Test Course (airplanes).

Finally, because of the changes made in § 141.77, the provision covering credit for previous training or tests proposed in paragraph 6 is now unnecessary and it has been withdrawn.

Appendix C. A number of comments received in response to proposed Appendix C recommended that the minimum flight training for an instrument rating course school be increased from 35 to 40 hours. The FAA does not agree. While it may take the average student more than 35 hours to complete an instrument rating course, there are students who can complete the course in the minimum time. To arbitrarily increase this minimum would place an undue burden on such persons. If a school desires to increase the minimum time required for completion of the course, it may do so simply by submitting the higher time requirement in the course outline for the instrument rating course.

The reference to "instrument approach plates" in paragraph 2(b) has been cor-

rected to read "instrument approach procedure charts."

Finally, there was an inadvertent omission in Notice 73-5 concerning the instrument flight training required under Appendix C. As proposed, paragraph 3 covering flight training omitted the requirement for training in cross-country flying in simulated or actual IFR conditions, on Federal airways or as routed by ATC, including one such trip of at least 250 nautical miles including VOR, ADF and ILS approaches at different airports. This requirement is included in § 61.65(c)(4) of Part 61 and § 141.83 provides that for a student who has completed a course of training for a pilot certificate or rating, the flight test is based on the standards prescribed in Part 61. Therefore, a student taking an instrument rating course under Part 141 is already required to be tested on the basis of the requirement of § 61.65(c)(4). For this reason, it is appropriate to incorporate that provision in the approved course curriculum for instrument rating courses by pilot schools. This correction imposes no additional burden on any person.

Appendix D. There were numerous comments on the curriculum for the Commercial Pilot Certification Course set forth in Appendix D. A majority of the comments objected to the requirement, in paragraph 3(b)(3), for ten hours of flight instruction in an airplane with, among other things, a true airspeed of more than 165 knots at the critical altitude with 75 percent power. The comments point out that of approximately 14 models of airplanes currently in production that meet the basic requirements of paragraph 3(b)(3), only two meet the true airspeed requirement. Most commentators thought that the proposed requirement was excessive. After further consideration in the light of comments the FAA considers that the airspeed requirement in paragraph 3(b)(3) is unnecessary. Therefore, this proposed requirement has been withdrawn and a more realistic requirement based on engine horsepower has been incorporated as suggested. The rule now requires the ten hours of instruction to be given in an airplane with retractable gear, flaps, and a controllable propeller, and powered by at least a 180 hp engine. A number of comments also stated that the proposed requirement for 100 hours of ground training is excessive and should be reduced by 20 percent. The FAA does not agree. Present Part 141 requires 150 hours of ground training to complete the commercial pilot ground school. This proposal reduced that figure by 50 hours while, at the same time, adding a requirement for ground training for an instrument rating. The FAA does not believe that any further reduction can be made in the hours of ground training without impairing the effectiveness of the course.

Proposed paragraph 3(c) allowed flight time as pilot in command of an airplane with not more than two other pilots assigned by the school to specific flight crew duties on the flight to be credited for not more than 50 hours of solo practice. In response to comments received concerning this paragraph, the provision has been changed to make it clear that no persons other than the additional pilots may be carried aboard the airplane. Moreover, the FAA now considers that it should be left up to the school to decide the number of pilots, including students in training, who should be assigned to flight crew duties on the airplane. The rule has been changed accordingly.

Proposed paragraph 3(c)(3) of Appendix D requires at least 5 hours of solo flight time in complex airplanes. The purpose of this requirement was to acquaint the student in a commercial pilot certification course with the complexities of a high performance airplane. However, this can be accomplished with the student acting as pilot in command just as well as during a solo flight while at the same time reducing the burden on the pilot schools who would be required to furnish an expensive airplane for solo use by relatively "low time" pilots. The commercial students will receive the required solo time under other provisions of the course curriculum. Therefore, it is considered appropriate to change the proposal to provide for 5 hours of pilot in command time on complex airplanes rather than require 5 hours of solo flight time in such airplanes. Consistent with this change, the requirement for a solo checkout in complex airplanes in paragraph 3(b)(3) has been withdrawn.

Appendix F. With respect to Appendix F, several comments objected to the requirement for 20 hours of flight instruction in order to obtain a type rating. It was pointed out that some operators are qualifying pilots on aircraft with approximately four hours of flight time in addition to detailed instruction on the aircraft systems and emergency and normal procedures, through the use of modern training aids, including simulators. The comments recommended 10 hours total, of which 75 percent could be obtained in a pilot ground trainer, as a conservative minimum requirement for pilot schools. After careful study, the FAA believes that the 20 hour requirement for a type rating could be reduced. This kind of training is directed primarily toward professional pilots with considerable experience and as the comments indicate, it would not take the average pilot 20 hours to get a type rating in many large airplanes. Therefore, the hours of flight instruction required for a type rating have been reduced to 10 hours.

Finally, the previous experience requirements proposed in paragraphs C.II(c), C.III(c), C.IV(a)(4), D.(d), D.III(c), E.II(c), E.III(c), E.IV(c) and E.V(c) of Appendix F have been withdrawn consistent with the changes made in § 141.77.

Appendix G. Appendix G was intended to prescribe the general curriculum appropriate to a pilot ground school course. However, as proposed, the curriculum contained the specific requirements for private and commercial certificates which are also set forth in the curriculum covering the individual pilot certification courses. This has created considerable confusion. Therefore, the curriculum requirements have been revised, without making any substantive change in the requirements, to make it clear that a pilot ground school may offer ground training for any of the certification or test preparation courses set forth in the other Appendixes of the Part, as long as its curriculum meets the ground training requirements specified in the curriculum for the particular courses.

Finally, the provision in Appendix G concerning the credit allowed for previous training and experience has been withdrawn consistent with the changes made in § 141.77.

Appendix H. Appendix H has been changed in response to various comments to make it clear that the instruction under paragraph 3(a)(2) (i) and (iii) is flight instruction with the instructor in the aircraft.

Any conforming changes to other parts of the Federal Aviation Regulations necessary to reflect the changes being made to Part 141 will be covered in a separate rulemaking action.

In consideration of the foregoing, Part 141 of the Federal Aviation Regulations is revised, effective November 1, 1974, to read as follows:

Subpart A—General

Subpart B—Personnel and Facilities Requirements

Subpart C—Training Course Outline and Curriculum

Subpart D—Examining Authority

Subpart E—Operating Rules

AUTHORITY: Sections 313(a), 314, 601, 602, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1422, and 1427), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Subpart A—General

§ 141.1 Applicability.

This Part prescribes the requirements for issuing pilot school certificates, provisional pilot school certificates, and associated ratings and the general operating rules for the holders of those certificates and ratings.

§ 141.3 Certificate required.

No person may operate as a certificated pilot school without, or in violation of, a pilot school certificate or provisional pilot school certificate issued under this Part.

§ 141.5 Pilot school certificate.

An applicant is issued a pilot school certificate with associated ratings for that certificate if—

(a) It meets the pertinent requirements of Subparts A through C of this Part; and

(b) Within the 24 months before the date of application, it has trained and recommended for pilot certification and rating tests, at least 10 applicants for pilot certificates and ratings and at least 8 of the 10 most recent graduates tested by an FAA inspector or designated pilot examiner, passed that test the first time.

§ 141.7 Provisional pilot school certificate.

An applicant is issued a provisional pilot school certificate with associated ratings if it meets the pertinent requirements of Subparts A through C of this Part, but does not meet the recent training activity requirement specified in § 141.5(b).

§ 141.9 Examining authority.

An applicant is issued an examining authority for its pilot school certificate if it meets the requirements of Subpart D of this Part.

§ 141.11 Pilot school ratings.

Associated ratings are issued with a pilot school certificate or a provisional pilot school certificate, specifying each of the following courses that the school is authorized to conduct:

(a) *Certification courses.*
(1) Private pilot.
(2) Private test course.
(3) Instrument rating.
(4) Commercial pilot.
(5) Commercial test course.
(6) Additional aircraft rating.
(b) *Pilot ground school course.*
(1) Pilot ground school.
(c) *Test preparation courses.*
(1) Flight instructor certification.
(2) Additional flight instructor rating.
(3) Additional instrument rating.
(4) Airline transport pilot certification.
(5) Pilot refresher course.
(6) Agricultural aircraft operations course.
(7) Rotorcraft external loan operations course.

§ 141.13 Application for issuance, amendment, or renewal.

(a) Application for an original certificate and rating, for an additional rating, or for the renewal of a certificate under this Part is made on a form and in a manner prescribed by the Administrator.

(b) An application for the issuance or amendment of a certificate or rating must be accompanied by three copies of the proposed training course outline for each course for which approval is sought.

§ 141.15 Location of facilities.

Neither a pilot school certificate nor a provisional pilot school certificate is issued for a school having a base or other facilities located outside the United States unless the Administrator finds that the location of the base or facilities at that place is needed for the training of students who are citizens of the United States.

§ 141.17 Duration of certificates.

(a) Unless sooner surrendered, suspended, or revoked, a pilot school certificate or a provisional pilot school certificate expires—

(1) At the end of the twenty-fourth month after the month in which it was issued or renewed; or

(2) Except as provided in paragraph (b) of this section, on the date that any change in ownership of the school or the facilities upon which its certification is based occurs; or

(3) Upon notice by the Administrator that the school has failed for more than 60 days to maintain the facilities, aircraft, and personnel required for at least one of its approved courses.

(b) A change in the ownership of a certificated pilot school or provisional pilot school does no terminate that certificate if within 30 days after the date that any change in ownership of the school occurs, application is made for an appropriate amendment to the certificate and no change in the facilities, instructor, personnel or training course is involved.

(c) An examining authority issued to the holder of a pilot school certificate expires on the date that the pilot school certificate expires, or is surrendered, suspended, or revoked.

§ 141.18 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

If the holder of a certificate issued under this Part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

§ 141.19 Display of certificate.

(a) Each holder of a pilot school certificate or a provisional pilot school certificate shall display that certificate at a place in the school that is normally accessible to the public and is not obscured.

(b) A certificate shall be made available for inspection upon request by the Administrator, or an authorized representative of the National Transportation Safety Board, or of any Federal, State, or local law enforcement officer.

§ 141.21 Inspections.

Each holder of a certificate issued under this Part shall allow the Administrator to inspect its personnel, facilities, equipment, and records to determine its compliance with the Federal Aviation Act of 1958, and the Federal Aviation Regulations, and its eligibility to hold its certificate.

§ 141.23 Advertising limitations.

(a) The holder of a pilot school certificate or a provisional pilot school certificate may not make any statement relating to its certification and ratings which is false or designed to mislead any person contemplating enrollment in that school.

(b) The holder of a pilot school certificate or a provisional pilot school certificate may not advertise that the school is certificated unless it clearly differentiates between courses that have been approved and those that have not.

(c) The holder of a pilot school certificate or a provisional pilot school certificate—

(1) That has relocated its school shall promptly remove from the premises it has vacated all signs indicating that the school was certificated by the Administrator; or

(2) Whose certificate has expired, or has been surrendered, suspended, or revoked shall promptly remove all indications (including signs), wherever located, that the school is certficated by the Administrator.

§ 141.25 Business office and operations base.

(a) Each holder of a pilot school or a provisional pilot school certificate shall

maintain a principal business office with a mailing address in the name shown on its certificate. The business office shall have facilities and equipment that are adequate to maintain the required school files and records and to operate the business of the school. The office may not be shared with, or used by, another pilot school.

(b) Each certificate holder shall, before changing the location of its business office or base of operations, notify the FAA District Office having jurisdiction over the area of the new location. The notice shall be submitted in writing at least 30 days before the change. For a change in the holder's base of operations, the notice shall be accompanied by any amendments needed for the holder's approved training course outline.

(c) No certificate holder may conduct training at an operations base other than the one specified in its certificate, until—

(1) The base has been inspected and approved by the FAA District Office having jurisdiction over the school for use by the certificate holder; and

(2) The course of training and any needed amendments thereto have been approved for training at that base.

§ 141.27 Renewal of certificates and ratings.

(a) *Pilot school certificates.* The holder of a pilot school certificate may apply for a renewal of the certificate not less than 30 days before the certificate expires. If the school meets the requirements of this Part for the issuance of the certificate, its certificate is renewed for 24 months.

(b) *Pilot school ratings.* Each pilot school rating on a pilot school certificate may be renewed with that certificate for another 24 months if the Administrator finds that the school meets the requirements prescribed in this Part for the issuance of the rating.

(c) *Provisional pilot school certificates.* (1) A provisional pilot school certificate and any ratings on that certificate may not be renewed. However, the holder of that certificate may apply for a pilot school certificate with appropriate ratings not less than 30 days before the provisional certificate expires. The school is issued a pilot school certificate with appropriate ratings, if it meets the appropriate requirements of this Part.

(2) The holder of a provisional pilot school certificate may not reapply for a provisional pilot school certificate for at least 180 days after the date of its expiration.

§141.29 Existing pilot school certificates; validity.

(a) A pilot school certificate issued before November 1, 1974 remains in effect until the expiration date on that certificate, unless it is sooner surrendered, suspended, or revoked.

(b) A pilot school certificate issued before November 1, 1974, may be renewed under the requirements of Part 141 in effect before November 1, 1974, to allow those students enrolled in a school's approved course of training prior to November 1, 1974, to complete that training. The renewal is issued for a period long enough for the students to complete their training in the enrolled course, but not for more than 24 months after November 1, 1974.

Subpart B—Personnel, Aircraft, and Facilities Requirements

§ 141.31 Applicability.

This subpart prescribes the personnel and aircraft requirements for a pilot school or a provisional pilot school certificate. It also prescribes the facilities an applicant must have available to him on a continuous use basis to hold a pilot school or provisional pilot school certificate. As used in this subpart, a person has the continuous use of a facility, including an airport, if it has the use of the facility when needed as the owner, or under a written agreement giving it that use for at least 6 calendar months from the date of the application for the initial certificate or a renewal of that certificate.

§ 141.33 Personnel.

(a) An applicant for a pilot school or provisional pilot school certificate must show that—

(1) It has adequate personnel and authorized instructors, including a chief instructor for each course of training, who are qualified and competent to perform the duties to which they are assigned;

(2) Each dispatcher, aircraft handler, line crewman, and serviceman to be used has been instructed in the procedures and responsibilities of his employment. (Qualified operations personnel may serve in more than one capacity with a pilot school or provisional pilot school); and

(3) Each instructor to be used for ground or flight instruction holds a flight or ground instructor certificate, as appropriate, with ratings for the course of instruction and any aircraft used in that course.

(b) An applicant for a pilot school or a provisional pilot school certificate shall designate a chief instructor for each course of training who meets the requirements of a § 141.35 of this Part. Where necessary, the applicant shall also designate at least one instructor to assist the chief instructor and serve for the chief instructor in his absence. A chief instructor or his assistant may be designated to serve in that capacity for more than one approved course but not for more than one school.

§ 141.35 Chief instructor qualifications.

(a) To be eligible for a designation as a chief flight instructor or an assistant chief flight instructor for a course of training, a person must meet the following requirements:

(1) He must pass—

(i) An oral test on this Part and on Parts 61 and 91 of this chapter and on the training standards and objectives of the course for which he is designated; and

(ii) A flight test on the flight procedures and maneuvers appropriate to that course.

(2) He must meet the applicable requirements of paragraphs (b), (c), and (d) of this section. However, a chief flight instructor or an assistant chief flight instructor for a course of training for gliders, free balloons or airships is only required to have 40 percent of the hours required in paragraphs (b) and (c) of this section.

(b) For a course of training leading to the issuance of a private pilot certificate or rating, a chief flight instructor or an assistant chief flight instructor must have—

(1) At least a commercial pilot certificate and a flight instructor certificate, each with a rating for the category and class of aircraft used in the course;

(2) At least 1,000 hours as pilot in command;

(3) Primary flight instruction experience, acquired as either a certificated flight instructor or an instructor in a military pilot primary flight training program, or a combination thereof, consisting of at least—

(i) Two years and a total of 500 flight hours; or

(ii) 1,000 flight hours; and

(4) Within the year preceding designation, at least 100 hours of flight instruction as a certificated flight instructor in the category of aircraft used in the course.

(c) For a course of training leading to the issuance of an instrument rating or a rating with instrument privileges, a chief flight instructor or an assistant chief flight instructor must have—

(1) At least a commercial pilot certificate and a flight instructor certificate, each with an appropriate instrument rating;

(2) At least 100 hours of flight time under actual or simulated instrument conditions;

(3) At least 1,000 hours as pilot in command;

(4) Instrument flight instructor experience, acquired as either a certificated instrument flight instructor or an instructor in a military pilot basic or instrument flight training program, or a combination thereof; consisting of at least—

(i) Two years and a total of 250 flight hours; or

(ii) 400 flight hours; and

(5) Within the year preceding designation, at least—

(i) 100 hours of instrument flight instruction as a certificated instrument flight instructor; or

(ii) One year of active service as an FAA designated instrument rating examiner.

(d) For a course of training other than those that lead to the issuance of a private pilot certificate or rating, or an instrument rating or a rating with instrument privileges, a chief flight instructor or an assistant chief flight instructor must have—

(1) At least a commercial pilot certificate and a flight instructor certificate, each with a rating for the category and class of aircraft used in the course of training and, for a course of training using airplanes or airships, an instrument rating on his commercial pilot certificate;

(2) At least 2,000 hours as pilot in command;

(3) Flight instruction experience, acquired as either a certificated flight instructor or an instructor in a military pilot primary or basic flight training program or a combination thereof, consisting of at least—

(i) Three years and a total of 1,000 flight hours; or

(ii) 1,500 flight hours; and

(4) Within the year preceding designation, at least—

(i) 100 hours of pilot instruction as a certificated flight instructor in the category of aircraft use in the course;

(ii) One year of active service as chief flight instructor of an approved course of training; or

(iii) One year of active service as an FAA designated pilot examiner.

(e) To be eligible for designation as a chief instructor or an assistant chief instructor for a ground school course, a person must have one year of experience as a ground school instructor in a certificated pilot school.

§ 141.37 Airports.

(a) An applicant for a pilot school certificate or a provisional pilot school certificate must show that it has continuous use of each airport at which training flights originate.

(b) Each airport used for airplanes and gliders must have at least one runway or takeoff area that allows training aircraft to make a normal takeoff or landing at full gross weight—

(1) Under calm wind (not more than five miles per hour) conditions and temperatures equal to the mean high temperature for the hottest month of the year in the operating area;

(2) Clearing all obstacles in the takeoff flight path by at least 50 feet;

(3) With the powerplant operation and landing gear and flap operation, if applicable recommended by the manufacturer; and

(4) With smooth transition from liftoff to the best rate of climb speed without exceptional piloting skills or techniques.

(c) Each airport must have a wind direction indicator that is visible from the ends of each runway at ground level.

(d) Each airport must have a traffic direction indicator when the airport has no operating control tower and UNICOM advisories are not available.

(e) Each airport used for night training flights must have permanent runway lights.

§ 141.39 Aircraft.

An applicant for a pilot school or provisional pilot school certificate must show that each aircraft used by that school for flight instruction and solo flights meets the following requirements:

(a) It must be registered as a civil aircraft of the United States.

(b) Except for aircraft used for flight instruction and solo flights in a course of training for agricultural aircraft operations, external load operations and similar aerial work operations, it must be certificated in the standard airworthiness category.

(c) It must be maintained and inspected in accordance with the requirements of Part 91 of this chapter that apply to aircraft used to give flight instruction for hire.

(d) For use in flight instruction, it must be at least a two place aircraft having engine power controls and flight controls that are easily reached and that operate in a normal manner from both pilot stations.

(e) For use in IFR en route operations and instrument approaches, it must be equipped and maintained for IFR operations. However, for instruction in the control and precision maneuvering of an aircraft by reference to instruments, the aircraft may be equipped as provided in the approved course of training.

§ 141.41 Ground trainers and training aids.

An applicant for a pilot school or a provisional pilot school certificate must show that its ground trainers, and training aids and equipment meet the following requirements:

(a) *Pilot ground trainers.* (1) Each pilot ground trainer used to obtain the maximum flight training credit allowed for ground trainers in an approved pilot training course curriculum must have—

(i) An enclosed pilot's station or cockpit which accommodates one or more flight crewmembers;

(ii) Controls to simulate the rotation of the trainer about three axes;

(iii) The minimum instrumentation and equipment required for powered aircraft in § 91.33 of this chapter, for the type of flight operations simulated;

(iv) For VFR instruction, a means for simulating visual flight conditions, including motion of the trainer, or projections, or models operated by the flight controls; and

(v) For IFR instruction, a means for recording the flight path simulated by the trainer.

(2) Pilot ground trainers other than those covered under paragraph (a)(1) of this section must have—

(i) An enclosed pilot's station or cockpit, which accommodates one or more flight crewmembers;

(ii) Controls to simulate the rotation of the trainer about three axes; and

(iii) The minimum instrumentation and equipment required for powered aircraft in § 91.33 of this chapter, for the type of flight operations simulated.

(b) *Training aids and equipment.* Each training aid, including any audio-visuals, mockup, chart, or aircraft component listed in the approved training course outline must be accurate and appropriate to the course for which it is used.

§ 141.43 Pilot briefing areas.

(a) An applicant for a pilot school or provisional pilot school certificate must show that it has the continuous use of a briefing area located at each airport at which training flights originate, that is—

(1) Adequate to shelter students waiting to engage in their training flights;

(2) Arranged and equipped for the conduct of pilot briefings; and

(3) For a school with an instrument or commercial pilot course rating, equipped with private landline or telephone communication to the nearest FAA Flight Service Station, except that this communication equipment is not required if the briefing area and the flight service station are located on the same airport and are readily accessible to each other.

(b) A briefing area required by paragraph (a) of this section may not be used by the applicant if it is available for use by any other pilot school during the period it is required for use by the applicant.

§ 141.45 Ground training facilities.

An applicant for a pilot school or provisional pilot school certificate must show that each room, training booth, or other space used for instructional purposes is heated, lighted, and ventilated to conform to local building, sanitation, and health codes. In addition, the training facility must be so located that the students in that facility are not distracted by the instruction conducted in other rooms, or by flight and maintenance operations on the airport.

Subpart C—Training Course Outline and Curriculum

§ 141.51 Applicability.

This subpart prescribes the curriculum and course outline requirements for the issuance of a pilot school or provisional pilot school certificate and ratings.

§ 141.53 Training course outline: General.

(a) *General.* An applicant for a pilot school or provisional pilot school certificate must obtain the Administrator's approval of the outline of each training course for which certification and rating is sought.

(b) *Application.* An application for the approval of an initial or amended training course outline is made in triplicate to the FAA District Office having jurisdiction over the area in which the operations base of the applicant is located. It must be made at least 30 days before any training under that course, or any amendment thereto, is scheduled to begin. An application for an amendment to an approved training course must be accompanied by three copies of the pages in the course outline for which an amendment is requested.

§ 141.55 Training course outline: Contents.

(a) *General.* The outline for each course of training for which approval is requested must meet the minimum cur-

riculum for that course prescribed in the appropriate appendix of this Part, and contain the following information:

(1) A description of each room used for ground training, including its size and the maximum number of students that may be instructed in the room at one time.

(2) A description of each type of audio-visual aid, projector, tape recorder, mockup, aircraft component and other special training aid used for ground training.

(3) A description of each pilot ground trainer used for instruction.

(4) A listing of the airports at which training flights originate and a description of the facilities, including pilot briefing areas that are available for use by the students and operating personnel at each of those airports.

(5) A description of the type of aircraft including any special equipment, used for each phase of instruction.

(6) The minimum qualifications and ratings for each instructor used for ground or flight training.

(b) *Training syllabus.* In addition to the items specified in paragraph (a) of this section, the course outline must include a training syllabus for each course of training that includes at least the following information:

(1) The pilot certificate and ratings, if any; the medical certificate, if necessary; and the training, pilot experience and knowledge, required for enrollment in the course.

(2) A description of each lesson, including its objectives and standards and the measurable unit of student accomplishment or learning to be derived from the lesson or course.

(3) The stage of training (including the standards therefor) normally accomplished within each training period of not more than 90 days.

(4) A description of the tests and checks used to measure a student's accomplishment for each stage of training.

§ 141.57 Special curricula.

An applicant for a pilot school or provisional pilot school certificate may apply for approval to conduct a special course of pilot training for which a curriculum is not prescribed in the appendixes to this Part, if it shows that the special course of pilot training contains features which can be expected to achieve a level of pilot competency equivalent to that achieved by the curriculum prescribed in the appendixes to this Part or the requirements of Part 61 of this chapter.

Subpart D—Examining Authority

§ 141.61 Applicability.

This subpart prescribes the requirements for the issuance of an examining authority to the holder of a pilot school certificate and the privileges and limitations of that authority.

§ 141.63 Application and qualification.

(a) Application for an examining authority is made on a form and in a manner prescribed by the Administrator.

(b) To be eligible for an examining authority an applicant must hold a pilot school certificate. In addition, the applicant must show that—

(1) It has actively conducted a certificated pilot school for at least 24 months before the date of application; and

(2) Within the 24 months before the date of application for the examining authority, at least 10 students were graduated from the course for which the authority is requested, and at least 9 of the most recent 10 graduates of that course, who were given an interim or final test by an FAA inspector or a designated pilot examiner, passed that test the first time.

§ 141.65 Privileges.

The holder of an examining authority may recommend graduates of the school's approved certification courses for pilot certificates and ratings except flight instructor certificates, airline transport pilot certificates and ratings, and turbojet type ratings, without taking the FAA flight or written test, or both, in accordance with the provisions of this subpart.

§ 141.67 Limitations and reports.

(a) The holder of an examining authority may not recommend any person for the issuance of a pilot certificate or rating without taking the FAA written or flight test unless that person has—

(1) Been enrolled by the holder of the examining authority in its approved course of training for the particular pilot certificate or rating recommended; and

(2) Satisfactorily completed all of that course of training at its school.

(b) Each final written or flight test given by the holder of an examining authority to a person who has completed the approved course of training must be at least equal in scope, depth, and difficulty to the comparable written or flight test prescribed by the Administrator under Part 61 of this chapter.

(c) A final ground school written test may not be given by the holder of an examining authority to a student enrolled in its approved course of training unless the test has been approved by the FAA District Office having jurisdiction over the area in which the holder of the examining authority is located. In addition, an approved test may not be given by the holder of an examining authority when—

(1) It knows or has reason to believe that the test has been compromised; or

(2) It has been notified that the District Office knows or has reason to believe that the test has been compromised.

(d) The holder of an examining authority shall submit to the FAA District Office a copy of the appropriate training record for each person recommended by it for a pilot certificate or rating.

Subpart E—Operating Rules

§ 141.71 Applicability.

This subpart prescribes the operating rules that are applicable to a pilot school or provisional pilot school certificated under the provisions of this part.

§ 141.73 Privileges.

(a) The holder of a pilot school or a provisional pilot school certificate may advertise and conduct approved pilot training courses in accordance with the certificate and ratings that it holds.

(b) A certificate pilot school holding an examining authority for a certification course may recommend each graduate of that course for the issuance of a pilot certificate and rating appropriate to that course without the necessiy of taking an FAA written or flight test from an FAA inspector or designated pilot examiner.

§ 141.75 Aircraft requirements.

(a) A pretakeoff and prelanding checklist, and the operator's handbook for the aircraft (if one is furnished by the manufacturer) or copies of the handbook if furnished to each student using the aircraft, must be carried on each aircraft used for flight instruction and solo flights.

(b) Each aircraft used for flight instruction and solo flight must have a standard airworthiness certificate, except that an aircraft certificated in the restricted category may be used for flight training and solo flights conducted under special courses for agricultural aircraft operation, external load operations, and similar aerial work operations if its use for training is not prohibited by the operating limitations for the aircraft.

§ 141.77 Limitations.

(a) The holder of a pilot school or a provisional pilot school certificate may not issue a graduation certificate to a student, nor may a certificated pilot school recommend a student for a pilot certificate or rating, unless the student has completed the training therefor specified in the school's course of training and passed the required final tests.

(b) The holder of a pilot school or a provisional pilot school certificate may not graduate a student from a course of training unless he has completed all of the curriculum requirements of that course. A student may be credited, but not for more than one-half of the curriculum requirements, with previous pilot experience and knowledge, based upon an appropriate flight check or test by the school. Course credits may be transferred from one certificated school to another. The receiving school shall determine the amount to be transferred, based on a flight check or written test, or both, of the student. Credit for training and instruction received in another school may not be given unless—

(1) The other school holds a certificate issued under this Part and certifies to the kind and amount of training and to the result of each stage and final test given to that student;

(2) The training and instruction was conducted by the other school in accordance with that school's approved training course; and

(3) The student was enrolled in the other school's approved training course

before he received the instruction and training.

§ 141.79 Flight instruction.

(a) No person other than a flight instructor who has the ratings and the minimum qualifications specified in the approved training course outline may give a student flight instruction under an approved course of training.

(b) No student pilot may be authorized to start a solo practice flight from an airport until the flight has been approved by an authorized flight instructor who is present at that airport.

(c) Each chief flight instructor must complete at least once each 12 months, a flight instructor refresher course consisting of not less than 24 hours of ground or flight instruction, or both.

(d) Each flight instructor for an approved course of training must satisfactorily accomplish a flight check given to him by the designated chief flight instructor for the school by whom he is employed. He must also satisfactorily accomplish this flight check each 12 months from the month in which the initial check is given. In addition, he must satisfactorily accomplish a flight check in each type of aircraft in which he gives instruction.

(e) An instructor may not be used in an approved course of training until he has been briefed in regard to the objectives and standards of the course by the designated chief instructor or his assistant.

§ 141.81 Ground training.

(a) Except as provided in paragraph (b) of this section, each instructor used for ground training in an approved course of training must hold a flight or ground instructor certificate with an appropriate rating for the course of training.

(b) A person who does not meet the requirements of paragraph (a) of this section may be used for ground training in an approved course of training if—

(1) The chief instructor for that course of training finds him qualified to give that instruction; and

(2) The instruction is given under the direct supervision of the chief instructor or the assistant chief instructor who is present at the base when the instruction is given.

(c) An instructor may not be used in an approved course of training until he has been briefed in regard to the objectives and standards of that course by the designated chief instructor or his assistant.

§ 141.83 Quality of instruction.

(a) Each holder of a pilot school or provisional pilot school certificate must comply with the approved course of training and must provide training and instruction of such quality that at least 8 out of the 10 students or graduates of that school most recently tested by an FAA inspector or designated pilot examiner, passed on their first attempt either of the following tests:

(1) A test for a pilot certificate or rating, or for an operating privilege appropriate to the course from which the student graduated; or

(2) A test given to a student to determine his competence and knowledge of a completed stage of the training course in which he is enrolled.

(b) The failure of a certificated pilot school or provisional pilot school to maintain the quality of instruction specified in paragraph (a) of this section is considered to be the basis for the suspension or revocation of the certificate held by that school.

(c) The holder of a pilot school or provisional pilot school certificate shall allow the Administrator to make any test, flight check, or examination of its students to determine compliance with its approved course of training and the quality of its instruction and training. A flight check conducted under the provisions of this paragraph is based upon the standards prescribed in the school's approved course of training. However, if the student has completed a course of training for a pilot certificate or rating, the flight test is based upon the standards prescribed in Part 61 of this chapter.

§ 141.85 Chief instructor responsibilities.

(a) Each person designated as a chief instructor for a certificated pilot school or provisional pilot school shall be responsible for—

(1) Certifying training records, graduation certificates, stage and final test reports, and student recommendations;

(2) Conducting an initial proficiency check of each instructor before he is used in an approved course of instruction and, thereafter, at least once each 12 months from the month in which the initial check was conducted;

(3) Conducting each stage or final test given to a student enrolled in an approved course of instruction; and

(4) Maintaining training techniques, procedures, and standards for the school that are acceptable to the Administrator.

(b) The chief instructor or his designated assistant shall be available at the school's base of operations during the time that instruction is given for an approved course of training.

§ 141.87 Change of chief instructor.

(a) The holder of a pilot school or provisional pilot school certificate shall immediately notify in writing the FAA District Office having jurisdiction over the area in which the school is located, of any change in its designation of a chief instructor of an approved training course.

(b) The holder of a pilot school or provisional pilot school certificate may, after providing the notification required in paragraph (a) of this section and pending the designation and approval of another chief instructor, conduct training or instruction without a chief instructor for that course of training for a period of not more than 60 days. However, during that time each stage or final test of a student enrolled in that approved course of training must be given by an FAA inspector, or a designated pilot examiner.

§ 141.89 Maintenance of personnel, facilities, and equipment.

The holder of a pilot school or provisional pilot school certificate may not give instruction or training to a student who is enrolled in an approved course of training unless—

(a) Each airport, aircraft, and facility necessary for that instruction or training meets the standards specified in the holder's approved training course outline and the appropriate requirements of this Part; and

(b) Except as provided in § 141.87, each instructor or chief instructor meets the qualifications specified in the holder's approved course of training and the appropriate requirements of this Part.

§ 141.91 Satellite bases.

The holder of a pilot school or provisional pilot school certificate may conduct ground or flight training and instruction in an approved course of training at a base other than its main operations base if—

(a) The satellite base is located not more than 25 nautical miles from its main operations base;

(b) The airport, facilities, and personnel used at the satellite base meet the appropriate requirements of Subpart B of this Part and its approved training course outline;

(c) The instructors are under the direct supervision of the chief instructor for the appropriate training course, who is readily available for consultation; and

(d) The FAA District Office having juridiction over the area in which the school is located is notified in writing if training or instruction is conducted there for more than seven consecutive days.

§ 141.93 Enrollment.

(a) The holder of a pilot school or a provisional pilot school certificate shall furnish each student, at the time he is enrolled in each approved training course, with the following:

(1) A certificate of enrollment containing—

(i) The name of the course in which he is enrolled; and

(ii) The date of that enrollment.

(2) A copy of the training syllabus required under § 141.55(b).

(3) A copy of the safety procedures and practices developed by the school covering the use of its facilities and the operation of its aircraft, including instructions on the following:

(i) The weather minimums required by the school for dual and solo flights.

(ii) The procedures for starting and taxiing aircraft on the ramp.

(iii) Fire precautions and procedures.

(iv) Redispatch procedures after unprogrammed landings, on and off airports.

(v) Aircraft discrepancies and write offs.

(vi) Securing of aircraft when not in use.

(vii) Fuel reserves necessary for local and cross-country flights.

(viii) Avoidance of other aircraft in flight and on the ground.

(ix) Minimum altitude limitations and simulated emergency landing instructions.

(x) Description and use of assigned practice areas.

(b) The holder of a pilot school or provisional pilot school certificate shall, within 5 days after the date of enrollment, forward a copy of each certificate of enrollment required by paragraph (a)(1) of this section to the FAA District Office having jurisdiction over the area in which the school is located.

§ 141.95 Graduation certificate.

(a) The holder of a pilot school or provisional pilot school certificate shall issue a graduation certificate to each student who completes its approved course of training.

(b) The certificate shall be issued to the student upon his completion of the course of training and contain at least the following information:

(1) The name of the school and the number of the school certificate.

(2) The name of the graduate to whom it was issued.

(3) The course of training for which it was issued.

(4) The date of graduation.

(5) A statement that the student has satisfactorily completed each required stage of the approved course of training including the tests for those stages.

(6) A certification of the information contained in the certificate by the chief instructor for that course of training.

(7) A statement showing the cross-country training the student received in the course of training.

Subpart F—Records

§ 141.101 Training records.

(a) Each holder of a pilot school or provisional pilot school certificate shall establish and maintain a current and accurate record of the participation and accomplishment of each student enrolled in an approved course of training conducted by the school (the student's logbook is not acceptable for this record). The record shall include—

(1) The date the student was enrolled;

(2) A chronological log of the student's attendance, subjects, and flight operations covered in his training and instruction, and the names and grades of any tests taken by the student; and

(3) The date the student graduated, terminated his training, or transferred to another school.

(b) Whenever a student graduates, terminates his training, or transfers to another school, his record shall be certified to that effect by the chief instructor.

(c) The holder of a certificate for a pilot school or a provisional pilot school shall retain each student record required by this section for at least 1 year from the date that the student graduates from the course to which the record pertains, terminates his enrollment in that course, or transfers to another school.

(d) The holder of a certificate for a pilot school or a provisional pilot school shall, upon request of a student, make a copy of his record available to him.

APPENDIX A

PRIVATE PILOT CERTIFICATION COURSE (AIRPLANES)

1. *Applicability.* This Appendix prescribes the minimum curriculum for a private pilot certification course (airplanes) required by § 141.55.

2. *Ground training.* The course must consist of at least 35 hours of ground training in the following subjects:

(a) The Federal Aviation Regulations applicable to private pilot privileges, limitations, and flight operations; the rules of the National Transportation Safety Board pertaining to accident reporting; the use of the Airman's Information Manual; and the FAA Advisory Circular System.

(b) VFR navigation using pilotage, dead reckoning, and radio aids.

(c) The recognition of critical weather situations from the ground and in flight and the procurement and use of aeronautical weather reports and forecasts.

(d) The safe and efficient operation of airplanes, including high density airport operations, collision avoidance precautions, and radio communication procedures.

3. *Flight training.*.

(a) The course must consist of at least 35 hours of the flight training listed in this section and section 4 of this Appendix. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 5 of the required 35 hours of flight time. Instruction in a pilot ground trainer that meets the requirement of § 141.41(a)(2) may be credited for not more than 2.5 hours of the required 35 hours of flight time.

(b) Each training flight must include a preflight briefing and a postflight critique of the student by the instructor assigned to that flight.

(c) Flight training must consist of at least 20 hours of instruction in the following subjects:

(1) Preflight operations, including weight and balance determination, line inspection, starting and runups, and airplane servicing.

(2) Airport and traffic pattern operations, including operations at controlled airports, radio communications, and collision avoidance precautions.

(3) Flight maneuvering by reference to ground objects.

(4) Flight at critically slow airspeeds, recognition of imminent stalls, and recovery from imminent and full stalls.

(5) Normal and crosswind takeoffs and landings.

(6) Control and maneuvering an airplane solely by reference to instruments, including emergency descents and climbs using radio aids or radar directives.

(7) Cross-country flying using pilotage, dead reckoning, and radio aids, including a two-hour dual flight at least part of which must be on Federal airways.

(8) Maximum performance takeoffs and landings.

(9) Night flying, including 5 takeoffs and landings as sole manipulator of the controls, and VFR navigation.

(10) Emergency operations, including simulated aircraft and equipment malfunctions, lost procedures, and emergency go-arounds.

4. *Solo flights.* The course must provide at least 15 hours of solo flights, including—

(a) *Solo practice.* Directed solo practice on all VFR flight operations for which flight instruction is required (except simulated emergencies) to develop proficiency, resourcefulness, and self-reliance; and

(b) *Cross-country flights.* (1) Ten hours of cross-country flights, each flight with a landing at a point more than 50 nautical miles from the point of departure, and one flight with landings at not less than three points, each of which is more than 100 nautical miles from the other points; or

(2) If a pilot school or a provisional pilot school shows that it is located on an island from which cross-country flights cannot be accomplished without flying over water more than 10 nautical miles from the nearest shoreline, it need not include cross-country flights under subparagraph (1) of this paragraph. However, if other airports that permit civil operations are available to which a flight may be made without flying over water more than 10 nautical miles from the nearest shoreline, the school must include in its course, two round trip solo flights between those airports that are farthest apart, including a landing at each airport on both flights.

5. *Stage and final tests.* (a) Each student enrolled in a private pilot certification course must satisfactorily accomplish the stage and final tests prescribed in this section. The written tests may not be credited for more than 3 hours of the 35 hours of required ground training, and the flight tests may not be credited for more than 4 hours of the 35 hours of required flight training.

(b) Each student must satisfactorily accomplish a written examination at the completion of each stage of training specified in the approved training syllabus for the private pilot certification course and a final test at the conclusion of that course.

(c) Each student must satisfactorily accomplish a flight test at the completion of the first solo cross-country flight and at the conclusion of that course.

APPENDIX B

PRIVATE TEST COURSE (AIRPLANES)

1. *Applicability.* This Appendix prescribes the minimum curriculum for a private test course (airplanes) required by § 141.55.

2. *Experience.* For enrollment as a student in a private test course (airplanes) an applicant must—

(a) Have logged at least 30 hours of flight time as a pilot; and

(b) Have such experience and flight training that upon completion of his approved private test course (airplanes) he will meet the aeronautical experience requirements prescribed in Part 61 of this chapter for a private pilot certificate.

3. *Ground training.* The course must consist of at least 35 hours of ground training in the subjects listed in § 2 of Appendix A of this Part.

4. *Flight training.* (a) The course must consist of a total of at least 10 hours of flight instruction in the subjects listed in § 3(c) of Appendix A of this Part.

(b) Each training flight must include a preflight briefing and a postflight critique of the student by the instructor assigned to that flight.

5. *Stage and final tests.* Each student enrolled in the course must satisfactorily accomplish the final tests prescribed in § 5 of Appendix A of this Part. Written tests may not be credited for more than 3 hours of the required 35 hours of ground training, and the flight tests may not be credited for more

than 2 hours of the required 10 hours of flight training.

APPENDIX C

INSTRUMENT RATING COURSE (AIRPLANES)

1. *Applicability.* This Appendix prescribes the minimum curriculum for a training course for an Instrument Rating Course (airplanes) required by § 141.55.

2. *Ground training.* The course must consist of at least 30 hours of ground training instruction in the following subjects:

(a) The Federal Aviation Regulations that apply to flight under IFR conditions, the IFR air traffic system and procedures, and the provisions of the Airman's Information Manual pertinent to IFR flights.

(b) Dead reckoning appropriate to IFR navigation, IFR navigation by radio aids using the VOR, ADF, and ILS systems, and the use of IFR charts and instrument approach procedure charts.

(c) The procurement and use of aviation weather reports and forecasts, and the elements of forecasting weather trends on the basis of that information and personal observation of weather conditions.

(d) The function, use, and limitations of flight instruments required for IFR flight, including transponders, radar and radio aids to navigation.

3. *Flight training.* The course must consist of at least 35 hours of instrument flight instruction given by an appropriately rated flight instructor, covering the operations listed in paragraphs (a) through (d) of this section. Instruction given by an authorized instructor in a pilot ground trainer which meets the requirements of § 141.41(a)(1) may be credited for not more than 15 hours of the required flight instruction. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 7.5 of the required 35 hours of flight time.

(a) Control and accurate maneuvering of an airplane solely by reference to flight instruments.

(b) IFR navigation by the use of VOR and ADF systems, including time, speed and distance computations and compliance with air traffic control instructions and procedures.

(c) Instrument approaches to published minimums using the VOR, ADF, and ILS systems (instruction in the use of the ILS glide slope may be given in an instrument ground trainer or with an airborne ILS simulator).

(d) Cross-country flying in simulated or actual IFR conditions, on Federal airways or as routed by ATC, including one such trip of at least 250 nautical miles including VOR, ADF, and ILS approaches at different airports.

(e) Emergency procedures appropriate to the maneuvering of an airplane solely by reference to flight instruments.

4. *Stage and final tests.*

(a) Each student must satisfactorily accomplish a written test at the completion of each stage of training specified in the approved training syllabus for the instrument rating course. In addition, he must satisfactorily accomplish a final written test at the conclusion of that course. The written tests may not be credited for more than 5 hours of the 30 hours of required ground training.

(b) Each student must satisfactorily accomplish a flight stage test at the completion of each operation listed in paragraphs (a), (b), and (c) of section 3 of this Appendix. In addition, he must satisfactorily accomplish a final flight test at the completion of the course. The stage and final tests may not be credited for more than 5 hours of the required 35 hours of flight training.

APPENDIX D

COMMERCIAL PILOT CERTIFICATION COURSE (AIRPLANES)

1. *Applicability.* This Appendix prescribes the minimum curriculum for a commercial pilot certification course (airplanes) required by § 141.55.

2. *Ground training.* The course must consist of at least 100 hours of ground training instruction in the following subjects:

(a) The ground training subjects prescribed in section 2 of Appendix A of this Part for a private pilot certification course, except the private pilot privileges and limitations of paragraph (a) of that section.

(b) The ground training subjects prescribed in section 2 of Appendix C of this Part 141 for an Instrument Rating Course.

(c) The Federal Aviation Regulations covering the privileges, limitations, and operations of a commercial pilot, and the operations for which an air taxi/commercial operator, agricultural aircraft operator, and external load operator certificate, waiver, or exemption is required.

(d) Basic aerodynamics, and the principles of flight which apply to airplanes.

(e) The safe and efficient operation of airplanes, including inspection and certification requirements, operating limitations, high altitude operations and physiological considerations, loading computations, the significance of the use of airplane performance speeds, the computations involved in runway and obstacle clearance and crosswind component considerations, and cruise control.

3. *Flight training*—(a) *General.* The course must consist of at least 190 hours of the flight training and instruction prescribed in this section. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 40 hours of the required 190 hours of flight time. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 20 hours of the required 190 hours of flight time.

(b) *Flight instruction.* The course must consist of at least 75 hours of instruction in the operations listed in subparagraphs (1) through (6) of this paragraph. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 20 hours of the required 75 hours. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 10 hours of the required 75 hours.

(1) The pilot operations for the Private Piolt Course prescribed in § 3 of Appendix A of this Part.

(2) The IFR operations for the Instrument Rating Course prescribed in § 3 of Appendix C of this Part.

(3) Ten hours of flight instruction in an airplane with retractable gear, flaps, a controllable propeller, and powered by at least 180 hp. engine.

(4) Night flying, including a cross-country night flight with a landing at a point more than 100 miles from the point of departure.

(5) Normal and maximum performance takeoffs and landings using precision approaches and prescribed airplane performance speeds, including operations at maximum authorized takeoff weight.

(6) Emergency procedures appropriate to VFR and IFR flight and to the operation of complex airplane systems.

(c) *Solo practice.* The course must consist of at least 100 hours of the flights listed in subparagraphs (1) through (4) of this paragraph. Flight time as pilot in command of an airplane carrying only those persons who are pilots assigned by the school to specific flight crew duties on the flight may be credited for not more than 50 hours of that requirement.

(1) Directed solo practice on each VFR operation for which flight instruction is required (except simulated emergencies).

(2) At least 40 hours of solo cross-country flights, including one flight with landings at three points, each of which is more than 200 nautical miles from the other points, except that those flights conducted in the State of Hawaii may be made with landings at points which are 100 nautical miles apart.

(3) At least 5 hours of pilot in command time in an airplane described in paragraph (b)(3) of this section, including not less than 10 takeoffs and 10 landings to a full stop.

(4) At least 5 hours of night flight, including at least 10 takeoffs and 10 landings to a full stop.

4. *Stage and final tests*—(a) *Written examinations.* Each student enrolled in the course must satisfactorily accomplish a written test upon the completion of each stage of training specified in the approved training syllabus for the commercial pilot certification course. In addition, he must satisfactorily accomplish a final stage test at the completion of all of that course. The stage and final tests may be credited for not more than 6 hours of the required 100 hours of ground training.

(b) *Flight tests.* Each student enrolled in a commercial pilot certification course (airplanes) must satisfactorily accomplish a stage flight test at the completion of each of the stages listed in subparagraphs (1), (2), (3), (4), and (5), of this paragraph. In addition, he must satisfactorily accomplish a final test at the completion of all of those stages. The stage and final tests may not be credited for more than 10 hours of the required 190 hours of flight training.

(1) Solo.

(2) Cross-country.

(3) High performance airplane operations.

(4) IFR operations.

(5) Commercial Pilot Course test, VFR and IFR.

APPENDIX E

COMMERCIAL TEST COURSE (AIRPLANES)

1. *Applicability.* This Appendix prescribes the minimum curriculum for a commercial test course (airplanes) required by § 141.55.

2. *Experience.* For enrollment as a student in a commercial test course (airplanes) an applicant must—

(a) Hold a valid private pilot certificate;

(b) Hold a valid instrument rating, or be enrolled in an approved instrument rating course; and

(c) Have such experience and flight training that upon completion of his approved commercial test course he will meet the aeronautical experience requirements prescribed in Part 61 of this chapter for a commercial pilot certificate.

3. *Ground training.* The course must consist of at least 50 hours of ground training instruction in the following subjects:

(a) A review of the ground training subjects prescribed in § 2 of Appendix A of this Part 141 for a private pilot certification.

(b) A review of the ground training subjects prescribed in § 2 of Appendix C of this Part 141 for an instrument rating course.

(c) The Federal Aviation Regulations covering the privileges, limitations, and operations of a commercial pilot, and the operations for which an air taxi/commercial operator, agricultural aircraft operator, and external load operator certificate, waiver or exemption is required.

(d) Basic aerodynamics, and the principles of flight that apply to airplanes.

(e) The safe and efficient operation of airplanes, including inspection and certifica-

tion requirements, operating limitations, high altitude operations and psysiological considerations, loading computations, the significance and use of airplane performance speeds, and computations involved in runway and obstacles clerance and crosswind component considerations.

4. *Flight training.*—(a) *General.* The course must consist of at least 25 hours of flight training prescribed in this section. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 20 per cent of the total number of hours of flight time. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 10 per cent of the total number of hours of flight time.

(b) *Flight instruction.* The course must consist of at least 20 hours of flight instruction in the subjects listed in subparagraphs (1) through (3) of this paragraph. Instruction in a ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 4 hours of the required 20 hours. Instruction in a ground trainer that meets the retquirements of § 141.41(a)(2) may be credited for not more than 2 hours of the required 20 hours.

(1) A review of the VFR operations prescribed in § 3 of Appendix A of this Part for a private course.

(2) A review of the IFR operations prescribed in § 3 of Appendix C of this Part for an instrument rating course.

(3) A review of the VFR operations prescribed in § 3(b)(3) through (6) of Appendix D of this Part for a commercial pilot certification course.

(c) *Directed solo practice.* If the course includes directed solo practice necessary to develop the flight proficiency of each student, the practice may not exceed a ratio of 3 hours of directed solo practice for each hour of the flight instruction required by the school's approved course outline.

5. *Stage and final tests.*—(a) *Written tests.* Each student enrolled in the course must satisfactorily accomplish a stage test upon the completion of each stage of training specified in the approved training syllabus for the commercial test course. In addition, he must satisfactorily accomplish a final test at the conclusion of that course. The stage and final tests may not be credited for more than 4 hours of the required 50 hours of ground training.

(b) *Flight tests.* Each student enrolled in the course must satisfactorily accomplish a final test at the completion of the course. However, if the approved course of training exceeds 35 hours he must be given a test at an appropriate stage prior to completion of 35 hours of flight training. The flight tests may not be credited for more than 3 of the required hours of flight training.

(c) *Total flight experience.* The approved training course outline must specify the minimum number of hours of flight instruction and directed solo practice (if any) that is provided for each student under the requirements of paragraphs (b) and (c) of § 4 of this Appendix. The total number of hours of all flight training given to a student under this section and the minimum experience required for enrollment under § 2 of this Appendix must meet the minimum aeronautical experience requirements of § 61.129 of this chapter for the issuance of a commercial pilot certificate.

APPENDIX F

ROTORCRAFT, GLIDERS, LIGHTER-THAN-AIR AIRCRAFT AND AIRCRAFT RATING COURSES

A. *Applicability.* This Appendix prescribes the minimum curriculum for a pilot certification course for a rotorcraft, glider, lighter-than-air aircraft, or aircraft rating, required by § 141.55.

B. *General Requirements.* The course must be comparable in scope, depth, and detail with the curriculum prescribed in Appendices A through D of this Part for a pilot certification course (airplanes) with the same rating. Each course must provide ground and flight training covering the aeronautical knowledge and skill items required by Part 61 of this chapter for the certificate or rating concerned. In addition, each course must meet the appropriate requirements of this Appendix.

C. *Rotorcraft*—I. *Kinds of rotorcraft pilot certification courses.* An approved rotorcraft pilot certification course includes—

(a) A helicopter or gyroplane course—private pilots;

(b) A helicopter or gyroplane course—commercial pilots; and

(c) An instrument rating—helicopter.

II. *Helicopter or gyroplane course: Private pilots.*

(a) A private pilot certification course for helicopters or gyroplanes must consist of at least the following:

(1) Ground training—35 hours.

(2) Flight training—35 hours, including the following:

(i) Flight instruction—20 hours.

(ii) Solo practice—10 hours, including a flight with landings at three points, each of which is more than 25 nautical miles from the other two points.

(b) Stage and final tests may be credited for not more than 3 hours of the 35 hours of ground training, and for not more than 4 hours of the 35 hours of flight training required by paragraphs (a)(1) and (a)(2) of this section.

III. *Helicopter or gyroplane course—commercial pilots.* (a) A commercial pilot certification course of training for helicopters or gyroplanes must consist of at least the following:

(1) Ground training—65 hours.

(2) Flight training—150 hours of flight training at least 50 hours of which must be in helicopters or gyroplanes.

The flight training must include the following:

(i) Flight instruction—50 hours.

(ii) Directed solo—100 hours (including a cross-country flight with landings at three points, each of which is more than 50 nautical miles from the other two points).

(b) Stage and final tests may be credited for not more than 5 hours of the required 65 hours of ground training, and for not more than 7 hours of the required 150 hours of flight training prescribed in paragraphs (a)(1) and (a)(2) of this section.

IV. *Instrument rating—helicopter course.* (a) An instrument rating—helicopter course of training must consist of at least the following:

(1) Ground training—35 hours.

(2) Instrument flight training—35 hours. Instrument instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 10 hours of the required 35 hours of flight training. Instruction in a ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 5 hours of the required 35 hours. The instrument flight instruction must include a 100-mile simulated or actual IFR cross-country flight, and 25 hours of flight instruction.

(3) Stage and final tests may be credited for not more than 5 hours of the 35 hours of required ground training, and not more than 5 hours of the 35 hours of instrument training.

D. *Gliders*—I. *Kinds of glider pilot certification courses.* An approved glider certification course includes—

(a) A glider course—private pilots; and

(b) A glider course—commercial pilots.

II. *Glider course: Private pilot.* A private pilot certification course for gliders must consist of at least the following:

(a) Ground training—15 hours.

(b) Flight training—8 hours (including 35 flights if ground tows are used, or 20 flights if aero tows are used). The flight training must include the following:

(1) Flight instruction—2 hours (including 20 flights if ground tows are used or 15 flights if aero tows are used).

(2) Directed solo—5 hours (including at least 15 flights if ground tows are used or 5 flights if aero tows are used).

(c) Stage and flight tests may be credited for not more than one hour of the 15 hours of ground training, and for not more than one-half hour of the 2 hours of flight instruction required by paragraphs (a)(1) and (a)(2) of this section.

III. *Glider course: Commercial pilot.* (a) An approved commercial pilot certification course for gliders must consist of at least the following:

(1) Ground training—25 hours.

(2) Flight training—20 hours of flight time in gliders (consisting of at least 50 flights), including the following:

(i) Flight instruction—8 hours.

(ii) Directed solo—10 hours.

(b) Stage and final tests may be credited for not more than 2 hours of the 25 hours of ground training, and for not more than 2 hours of the 20 hours of flight training required by paragraphs (a)(1) and (a)(2) of this section.

E. *Lighter-than-air aircraft*—I. *Kinds of lighter-than-air pilot certification courses.* An approved lighter-than-air pilot certification course includes—

(a) An airship course—private pilot;

(b) A free balloon course—private pilot;

(c) An airship course—commercial pilot; and

(d) A free balloon course—commercial pilot.

II. *Airship—private pilot.* (a) A private pilot certification course for an airship must consist of at least the following:

(1) Ground training—35 hours.

(2) Flight training—50 hours (45 hours must be in airships), including the following:

(i) Flight instruction—20 hours in airships.

(ii) Directed solo, or performing the functions of a pilot in command of an airship for which more than one pilot is required—10 hours.

(b) Stage and final tests may be credited for not more than 5 hours of the 35 hours of ground training, and not more than 5 hours of the 50 hours of flight training required by paragraphs (a)(1) and (a)(2) of this section.

III. *Free balloon course; private pilot.* (a) A private pilot course for a free balloon must consist of at least the following:

(1) Ground training—10 hours.

(2) Flight training—6 free flights, including—

(i) Two flights of one hour duration each if a gas balloon is used, or of 30 minutes duration if a hot air balloon is used;

(ii) At least one solo flight; and

(iii) One ascent under control to 5,000 feet above the point of takeoff if a gas balloon is used, or 3,000 feet above the point of takeoff if a hot air balloon is used.

(b) The written and stage checks may be credited for not more than one hour of the ground training, and not more than one of the 6 flights required by paragraph (a)(1) and (a)(2) of this section.

IV. *Airship course—commercial pilot.* (a) A commercial pilot course for an airship must consist of at least the following:

(1) Ground training—100 hours.

(2) Flight training—190 hours in airships as follows:

(i) Flight instruction—80 hours, including 30 hours instrument time.

(ii) 100 hours of solo time, or flight time performing the functions of a pilot in command in an airship that requires more than one pilot, including 10 hours of cross-country flying and 10 hours of night flying.

(b) Stage and final tests may be credited for not more than 6 hours of the 100 hours of ground training, and not more than 10 hours of the 190 hours of flight training required by paragraphs (a)(1) and (a)(2), respectively, of this section.

V. *Free balloon course; commercial pilot.* (a) A commercial pilot certification course for free balloons must consist of at least the following:

(1) Ground training—20 hours.

(2) Flight training—8 free flights, including—

(i) 2 flights of more than 2 hours duration if a gas balloon is used, or 2 flights of more than 1 hour duration if a hot air balloon is used;

(ii) 1 ascent under control to more than 10,000 feet above the takeoff point if a gas balloon is used, or to more than 5,000 feet above the takeoff point if a hot air balloon is used; and

(iii) 2 solo flights.

(b) Stage and final tests may be credited for not more than 2 hours of the 20 hours of ground training, and not more than one of the flights required by paragraphs (a)(1) and (a)(2), respectively, of this section.

F. *Aircraft rating course—I. Kinds of aircraft rating courses.* An approved aircraft rating course includes—

(a) An aircraft category rating;

(b) An aircraft class rating; and

(c) An aircraft type rating.

II. *Aircraft category rating.* An aircraft category rating course must include at least the ground training and flight instruction required by Part 61 of this chapter for the issuance of a pilot certificate with a category rating appropriate to the course. However, the Administrator may approve a lesser number of hours of ground training, or flight instruction, or both, if the course provides for the use of special training aids, such as ground procedures, trainers, systems mockups, and audio-visual training materials, or requires appropriate aeronautical experience of the students as a prerequisite for enrollment in the course.

III. *Aircraft class rating.* An aircraft class rating course must include at least the flight instruction required by Part 61 of this chapter for the issuance of a pilot certificate with a class rating appropriate to the course.

IV. *Aircraft type rating.* An aircraft type rating course must include at least 10 hours of ground training on the aircraft systems, performance, operation, and loading. In addition, it must include at least 10 hours of flight instruction. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 5 of the 10 hours of required flight instruction. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 2.5 of the 10 hours of required flight instruction.

Appendix G

Pilot Ground School Course

1. *Applicability.* This Appendix prescribes the minimum curriculum for a pilot ground school course required by § 141.55.

2. *General requirements.* An approved course of training for a pilot ground school course must contain the instruction necessary to provide each student with adequate knowledge of those subjects needed to safely exercise the privileges of the pilot certificate sought.

3. *Ground training instruction.* A pilot ground school course must include at least the subjects and the number of hours of ground training specified in the ground training section of the curriculum prescribed in the Appendixes to this Part for the certification or test preparation course to which the ground school course is directed.

4. *Stage and final tests.* Each student must pass a written test at the completion of each stage of training specified in the approved training syllabus for each ground training course in which he is enrolled. In addition, he must pass a final written test at the completion of the course. The stage and final tests may be credited towards the total ground training time required for each certification and test preparation course as provided in the curriculum prescribed in the Appendixes to this Part for that course.

Appendix H

Test Preparation Courses

1. *Applicability.* This Appendix prescribes the minimum curriculum required under § 141.55 of this Part 141 for each test preparation course listed in § 141.11.

2. *General requirements.*

(a) A test preparation course is eligible for approval if the Administrator determines that it is adequate for a student enrolled in that course, upon graduation, to safely exercise the privileges of the certificate, rating, or authority for which the course is conducted.

(b) Each course for a test preparation must be equivalent in scope, depth, and detail with the curriculum for the corresponding test course prescribed in Appendices A, B, C, and D of this Part 141. However, the number of hours of ground training and flight training included in the course must meet the curriculum prescribed in this Appendix. (The minimums prescribed in this Appendix for each test preparation course are based upon the amount of training that is required for students who meet the total flight experience requirements prescribed in Part 61 of this chapter at the time of enrollment.)

(c) Minimum experience, knowledge, or skill, requirements necessary as a prerequisite for enrollment are prescribed in the appropriate test preparation courses contained in this Appendix.

3. *Flight instructor certification course.*

(a) An approved course of training for a flight instructor certification course must contain at least the following:

(1) *Ground training*—40 hours.

(2) *Instructor training*—25 hours, including—

(i) 10 hours of flight instruction in the analysis and performance of flight training maneuvers;

(ii) 5 hours of practice ground instruction; and

(iii) 10 hours of practice flight instruction (with the instructor in the aircraft).

(b) *Credit for previous training of experience:* A student may be credited with the following training and experience acquired before his enrollment in the course.

(1) Satisfactory completion of two years of study on the principles of education in a college or university may be credited for 20 hours of the required 40 hours of ground training prescribed in paragraph (a)(1) of this section.

(2) One year of experience as a full-time instructor in an institution of secondary or advanced education may be credited for 5 hours of the required practice ground instruction prescribed in paragraph (a)(2) of this section.

(c) *Prerequisite for enrollment.* To be eligible for enrollment each student must hold—

(1) A commercial pilot certificate;

(2) A rating for the aircraft used in the course; and

(3) An instrument rating for enrollment in an airplane instructor rating course.

4. *Additional flight instructor rating courses.*

(a) An approved course of training for an additional flight instructor rating course must consist of at least the following:

(1) *Ground training*—20 hours.

(2) *Instructor training (with an instructor in the aircraft).* 20 hours, including—

(i) 10 hours of analysis of flight training maneuvers, or, in the case of a glider instructor rating course, 10 flights in a glider; and

(ii) 10 hours of practice flight instruction, or, in the case of glider instructor rating course, 10 flights in a glider.

5. *Additional instrument rating course (airplane or helicopter).*

(a) An approved training course for an additional instrument rating course must include at least the following:

(1) *Ground training*—15 hours.

(2) *Flight instruction*—15 hours.

(b) *Prerequisites for enrollment.* To be eligible for enrollment each student must hold a valid pilot certificate with an instrument rating, and an aircraft rating for the aircraft used in the course.

6. *Airline transport pilot test course.*

(a) An approved training course for an airline transport pilot test course must include at least the following:

(1) *Ground training*—40 hours.

(2) *Flight instruction*—25 hours, including at least 15 hours of instrument flight instruction.

(b) *Prerequisites for enrollment.* To be eligible for enrollment each student must—

(1) Hold a commercial pilot certificate with an instrument rating and a rating for the aircraft used in the course; and

(2) Meet the experience requirements of Part 61 of this chapter for the issuance of an airline transport pilot certificate.

7. *Pilot certificate, aircraft or instrument rating refresher course.*

(a) An approved refresher training course for a pilot certificate, aircraft rating, or an instrument rating must contain at least the following:

(1) *Ground training*—4 hours.

(2) *Flight instruction*—6 hours, which may include not more than 2 hours of directed solo or pilot in command practice.

(b) *Prerequisites for enrollment.* To be eligible for enrollment each student must hold a valid pilot certificate with ratings appropriate to the refresher course.

8. *Agricultural aircraft operations course.*

(a) An approved training course for pilots of agricultural aircraft must include at least the following:

(1) *Ground training*—25 hours, including at least 15 hours on the handling of agricultural and industrial chemicals.

(2) *Flight instruction*—15 hours, which may include not more than 5 hours of directed solo practice.

(b) *Prerequisite for enrollment.* To be eligible for enrollment each student must hold a valid commercial pilot certificate with a rating for the aircraft used in the course.

9. *Rotorcraft external-load operations course.*

(a) An approved training course for pilots of a rotorcraft with an external-load must contain at least the following:

(1) *Ground training*—10 hours.

(2) *Flight instruction*—15 hours.

(b) *Prerequisite for enrollment.* To be eligible for enrollment each student must

hold a valid commercial pilot certificate with a rating for the rotorcraft used in the course.

This revision is made under the authority of sections 313(a), 314, 601, 602, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1422, and 1427), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C., on May 29, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-12776 Filed 6-5-74;8:45 am]

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Limitations on Coverage of Costs; Interim Schedule

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Providers

Subpart F—Agreements, Elections, Contracts, Nominations, and Notices

LIMITATIONS ON COVERAGE OF COSTS UNDER MEDICARE

On March 19, 1974, there was published in the FEDERAL REGISTER (39 FR 10260) a notice of proposed rule making with proposed amendments to Subparts D and F of Regulations No. 5 (20 CFR Part 405), regarding implementation of section 223 of Public Law 92-603 entitled "Limitations on Coverage of Costs Under Medicare." On April 30, 1974, an extension of the comment period was granted (39 FR 15045) giving interested parties until May 18, 1974, to submit written comments or suggestions thereon. Comments and suggestions received with regard to this Notice of Proposed Rules Making, responses thereto and changes in the proposed regulations are summarized below.

1. Many commenters recommended that the proposed regulations be revised to eliminate the necessity for providers to obtain intermediary approval of provider charges to beneficiaries for excess costs and the requirement that similar charges be made to all patients because such provisions are not in accordance with the law. The proposed regulations have been revised to clarify that the intermediary's only role is to validate the computation of the charge. Also, the regulations have been revised to eliminate the requirement that a provider electing to make charges based on excess cost must make such charges to all individuals entitled to benefits under title XVIII. This is not a requirement of the law, and it could result in unjustifiable hardship and difficulty.

2. In response to comments, the regulations have been revised to indicate that public notice required before a provider may impose excess charges on beneficiaries will be published as a notice in a newspaper of general circulation serving the provider's locality and such other notice as the Secretary may require.

3. A recommendation was received and adopted that the definition of "emergency services" in § 405.461(d) be revised to conform to the definition of "emergency services" used for purposes of payment to non-participating hospitals.

4. Comments were received indicating that no limits should be applied to providers. As this is clearly inconsistent with the statute, such suggestions could not be adopted.

5. Comments were received concerning a possible lack of sufficient recognition in the limits of the effect of the cost of teaching programs in a hospital. Our analysis of data indicated that teaching hospitals tended to be concentrated in certain classification groups so that almost always the limits applied to them seem to reflect well the costs of similar hospitals. Nevertheless, the regulations provide that, where a provider can demonstrate that its costs exceed the applicable limit by reason of teaching effort, an exception can be made to the application of the limit to the extent that the added costs flow from approved educational activities and are atypical (although reasonable) for providers in the comparison group. No definition of a teaching hospital that could be reflected in a classification system and could be assumed to improve the effectiveness of the system for setting limits on hospital inpatient general routine service costs has been advanced. As a result, no modifications have been made in response to these comments.

6. A number of comments expressed disagreement with various aspects of the classification system. It is recognized that the presently proposed limits may not be as refined as those which may be developed in the future. However, the initial limits will identify hospitals whose costs are substantially higher than those deemed necessary for efficient delivery of hospital inpatient general routine services. Efforts to develop a more advanced classification system—one that will permit improved identification of hospitals whose costs are excessive—will continue but awaiting the development of such a system is neither desirable nor necessary.

7. A recommendation was received but not adopted for the elimination of the requirement, in § 405.461(a)(2), that a high-cost provider may not impose charges on a beneficiary for emergency services. The basis for this recommendation is the view that charges could not in any event be made for emergency services on the assumption that the cost limits do not apply to such services. However, the language of the law contains no support for the view that the cost limits do not apply to emergency services but states specifically that no charges can be made by the high-cost provider for such services.

8. Recommendations were received, but not adopted, that § 405.461(a)(4) and (5) be modified to eliminate the requirement that the Social Security Administration identify to the public and the high-cost provider identify to the beneficiary the specified charges to meet the costs in excess of costs determined to be necessary in the efficient delivery of health services under title XVIII.

This requirement is contained specifically in section 1866(a) of the Social Security Act as amended by § 223 of P.L. 92-603 and, therefore, this suggestion could not be adopted.

9. A comment was received, but not adopted, that the requirement in section 405.461(a)(3), that the admitting physician have no direct or indirect financial interest in the high-cost provider which is making charges to his patients be modified by the insertion of "significant" before "direct or indirect financial interest." Section 1866(a) of the Social Security Act as amended by § 223 of P.L. 92-603 contains such wording and such a change would be contrary to the statute.

10. Under the provision for recovery by new providers of amounts unreimbursed as a result of application of cost limits published in the Notice of Proposed Rule Making or the lower of cost or charges provision, a new provider's recovery during any year of the new provider base period or recovery period was limited to the lesser of the amount by which the provider's charges exceeded cost or the amount by which the provider's costs were less than the applicable limit. As a result of further study, the Social Security Administration believes that this provision should be liberalized and simplified. Thus, the regulations have been revised to provide that where costs in the current reporting period are below the cost limit, the amount of the recovery of accumulated unreimbursable costs under the lower of cost or charges provision is only limited to the extent aggregate charges applicable to health insurance beneficiaries exceed aggregate costs for services provided to such beneficiaries during such reporting period.

11. A number of editorial changes have also been made in the interest of clarity.

The regulations are issued under the authority contained in sections 1102, 1861(v), 1866(a), and 1871; 49 Stat. 647, as amended; 79 Stat. 313, as amended; 79 Stat. 327, as amended; 79 Stat. 331; 42 U.S.C. 1302, 1395x(v), 1395cc(a), and 1395hh.

Effective date. These regulations will be effective July 1, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: May 21, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 30, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-based Physicians; Appeals by Providers

1. In § 405.401, paragraph (a) is revised to read as follows:

§ 405.401 Introduction.

(a) Under the health insurance program for the aged and disabled, the amount paid to any provider of services—i.e., hospital, skilled nursing facility, or home health agency—for the covered services furnished to beneficiaries is required by section 1814(b) and section 1833(a)(2) of the Act to be the reasona-

ble cost of such services subject to the provisions of §§ 405.455 and 405.460.

* * * * *

2. In § 405.402, paragraph (a) is revised to read as follows:

§ 405.402 **Cost reimbursement: General.**

(a) In formulating methods for making fair and equitable reimbursement for services rendered beneficiaries of the program, payment is to be made on the basis of current costs of the individual provider, rather than costs of a past period or a fixed negotiated rate. All necessary and proper expenses of an institution in the production of services, including normal standby costs, are recognized. Furthermore, the share of the total institutional cost that is borne by the program is related to the care furnished beneficiaries so that no part of their cost would need to be borne by other patients. Conversely, costs attributable to other patients of the institution are not to be borne by the program. Thus, the application of this approach, with appropriate accounting support, will result in meeting actual costs of services to beneficiaries as such costs vary from institution to institution. However, payments to providers of services for services rendered health insurance program beneficiaries are subject to the provisions of §§ 405.455 and 405.460.

§ 405.455 [Amended]

3. In § 405.455, paragraph (d)(1) is amended by adding at the end of the material preceding the example the sentence "However, no recovery may be made in any period in which costs are unreimbursed under § 405.460."

4. In § 405.455, paragraph (d)(2) is revised to read as follows:

(2) *New provider*—(i) *General.* A new provider of services may carry forward for five succeeding cost reporting periods costs attributable to program beneficiaries which are unreimbursed under the provisions of this section during a base period, which includes any cost reporting period which begins after December 31, 1973, and ends on or before the last day of its third year of operation. Where beneficiary charges exceed reasonable cost in the five succeeding reporting periods, such previously unreimbursed amounts carried forward shall be reimbursed to the provider to the extent that such previously unreimbursed amounts carried forward, together with costs applicable to program beneficiaries in such subsequent periods, do not exceed customary charges with respect to services to program beneficiaries in such subsequent periods. If such five succeeding cost reporting periods combined include fewer than 60 full calendar months, the provider may carry forward costs unreimbursed under this section for one additional reporting period.

Example. A provider begins its operations on March 5, 1972. However, it begins to participate in the Medicare program as of January 1, 1973, and reports on a calendar year basis. Since it would be subject to the application of the provision for its cost reporting period beginning with January 1, 1974, it would be permitted to accumulate any unreimbursed costs (excess of costs over its charges) incurred during this reporting period. Since this cost reporting period ends before the end of the third year of operation, its carryover period will be the succeeding five cost reporting periods ending with December 31, 1979. Had this provider begun its operation on July 1, 1973, and become a participating provider as of the same date (with a fiscal year ending June 30), it would have been able to accumulate any unreimbursed costs for the two cost reporting periods ending June 30, 1975, and June 30, 1976. Its carryover period would then be the five cost reporting periods ending no later than June 30, 1981, in the case of costs unreimbursed in either of the reporting periods ending June 30, 1975, and June 30, 1976.

(ii) *New provider base period; unreimbursed costs under lower of cost or charges.* Where costs of a new provider are unreimbursed under this section but no costs are unreimbursed under § 405.460 during the new provider base period, such previously unreimbursed amounts which a provider may recover during any cost reporting period in the new provider base period or carry forward period is limited to the amount by which the aggregate customary charges applicable to health insurance beneficiaries during any such period exceed the aggregate costs applicable to such beneficiaries during that period, without regard to the application of the cost limits described in § 405.460(d) during the recovery period; except that no recovery may be made in any period in which costs are unreimbursed under § 405.460.

(iii) *New provider base period; unreimbursed costs under lower of cost or charges and cost limits.* Where costs of a new provider are unreimbursed under both this section and § 405.460 during the base period, such previously unreimbursed amounts carried forward shall be reimbursed to the provider in accordance with § 405.460(g)(3)(ii).

5. Section 405.460 is added to read as follows:

§ 405.460 **Limitations on coverage of costs.**

(a) *Principle.* In the determination of the allowability of provider costs, costs estimated to be in excess of those necessary in the efficient delivery of needed health services are excluded. Such estimates may be made with respect to direct or indirect overall costs or costs of specific items or services, or groups of items or services and upon publication in the FEDERAL REGISTER will constitute limits on amounts otherwise payable under the program. These limits will be imposed prospectively and may be on a per diem, per visit, or other basis.

(b) *Application.* In determining the limits to be applied, providers may be classified by type of provider (e.g., hospitals, skilled nursing facilities, and home health agencies) and within each provider class by such factors as the Secretary shall find appropriate and practical, such as:

(1) Type of services rendered;

(2) Geographical area where services are rendered, allowing for grouping of noncontiguous areas having similar demographic and economic characteristics;

(3) Size of institution;

(4) Nature and mix of services rendered; or

(5) Type and mix of patients treated.

(c) *Data.* In establishing limits, the estimates of the costs necessary for efficient delivery of health services may be based on cost reports or other data providing indicators of current costs, with current and past period data being adjusted to arrive at estimated costs for the prospective periods to which limits shall be applied.

(d) *Notice of limits to be imposed.* Prior to the onset of a cost period to which a limit shall be applied, a notice shall be published in the Federal Register establishing the limits to be applied to an identified cost and type and class of provider of service.

(e) *Provider rights to review.* A request by a provider for review of the determination of an intermediary concerning classification for, exceptions to, or exemptions from the cost limits imposed under the provisions of this section shall be made to the intermediary under the provisions of §§ 405.490–405.499f.

(f) *Exceptions, exemptions, and adjustments.* The following types of exceptions, exemptions, and classification adjustments may be granted under this section but only upon the provider's demonstration that the conditions indicated are present:

(1) *Reclassification.* A provider shall be entitled to obtain adjustment of its classification by the intermediary for the purpose of cost limits applied under this section on the basis of evidence that such a classification is at variance with the criteria specified in promulgating limits under paragraph (d) of this section.

(2) *Exception of cost of atypical services.* Where the actual cost of items or services furnished by a provider exceeds the applicable limit by reason of the provision of items or services that are atypical in nature and scope as compared to the services generally provided by institutions similarly classified and appropriate reason exists for the provision of such items or services, the limits may be adjusted upward to reflect any added costs flowing from the delivery of such items or services. Such adjustments may only be made where the provider demonstrates: (i) The provision of the atypical items or services were by reason of the special needs of the patients treated and necessary in the efficient delivery of needed health care, or (ii) the added costs flow from approved educational activities (as described in § 405.421) to the extent such costs are atypical (although reasonable) for providers in the comparison group. In addition, such adjustments may be made only to the extent that such justified costs are separately identified by the provider and can be verified by the intermediary.

(3) *Exception because of extraordinary circumstances.* Where a provider's costs exceed the limits due to extraordinary circumstances beyond the control of the provider, the provider may request

an exception from the cost limits to the extent that the provider shows such higher costs result from the extraordinary circumstances. These circumstances may include but are not limited to increased costs attributable to strikes, fire, earthquake, flood, or similar unusual occurrences with substantial cost effects.

(4) *Exemption as sole community provider.* The limitation on costs imposed under this section shall not be applicable where a provider by reason of factors such as isolated location or absence of other providers of the same type, is the sole source of such care reasonably available to beneficiaries.

(g) *New providers; accumulation of unreimbursed costs and carryover to subsequent periods*—(1) *General.* A new provider of services may carry forward for five succeeding cost reporting periods costs attributable to health insurance program beneficiaries which are unreimbursed under this section and not charged to patients during any cost reporting period ending on or before the last day of its third year of operation. Such period is called the new provider base period. If the five succeeding cost reporting periods combined include fewer than 60 full calendar months, the provider may carry forward such unreimbursed costs for one additional reporting period.

Example. A provider begins operation on April 7, 1973. However, it begins to participate in the health insurance program as of January 1, 1974, and reports on a calendar year basis. The provider would be permitted to accumulate any costs unreimbursed under this section which were incurred during reporting periods ending prior to April 7, 1976. Because the calendar year 1975 cost reporting period ends before the end of the third year of operation, its carryover period will be the succeeding five cost reporting periods ending on December 31, 1980. Had this provider begun its operations on July 1, 1973, and become a participating provider as of the same date (with a fiscal year ending June 30), it would have been able to accumulate any such unreimbursed costs for the cost reporting periods ending June 30, 1975, and June 30, 1976 (the limits are not applicable to the year ending June 30, 1974). Its carryover period would then be the five cost reporting periods ending no later than June 30, 1981, in the case of costs unreimbursed in either of the reporting periods ending June 30, 1975, or June 30, 1976.

(2) *New provider defined.* A new provider is an institution that has operated as the type of facility (or the equivalent thereof) for which it is certified in the program under present and previous ownership for less than 3 full years.

(3) *Recovery of unreimbursed excess cost*—(i) *New provider base period; unreimbursed costs under cost limits.* Where costs of a new provider are unreimbursed under this section during the new provider base period, but no costs are unreimbursed under § 405.455 during such base period, such unreimbursed amounts which a provider may recover during any cost reporting period in the new provider base period or carry forward period is limited to the lesser of (A) the amount by which the provider's current cost limit under this section exceeds the provider's reasonable cost for items and services to which such limit is applied during that cost reporting period, or (B) the amount by which the aggregate customary charges applicable to health insurance program beneficiaries during any such period exceeds the aggregate costs for such services which are applicable to such beneficiaries during that period (see § 405.455).

(ii) *New provider base period; unreimbursed costs under lower of cost or charges and cost limits.* Where costs of a new provider are unreimbursed under the provisions of both this section and § 405.455 during the new provider base period, the amount of such unreimbursed costs which a new provider may recover during any cost reporting period in which the cost limit is not exceeded is limited to the extent that such unreimbursed costs plus normally reimbursable costs do not exceed aggregate customary charges with respect to health insurance beneficiaries during that period. In the application of this paragraph, costs previously unreimbursed under this section will be recovered first, in accordance with paragraph (g)(3)(i) of this section, and any remaining unreimbursed costs shall be carried forward to the next succeeding year within the new provider base period or carry forward period. Costs previously unreimbursed under § 405.455 may thereafter be recovered to the extent that aggregate customary charges with respect to health insurance beneficiaries exceed the aggregate reimbursable costs applicable to such beneficiaries plus amounts recovered under paragraph (g)(3)(i) of this section during that period. Any remaining unreimbursed costs under § 405.455 may be carried forward to the next succeeding reporting period within the new provider base period or carry forward period.

6. Section 405.461 is added to read as follows:

§ 405.461 Limitations on coverage of costs; charges to beneficiaries where cost limits are applied to services.

(a) *Principle.* A provider of services that customarily furnishes an individual items or services which are more expensive than the items or services determined to be necessary in the efficient delivery of needed health services described in § 405.460, may charge an individual entitled to benefits under title XVIII for such more expensive items or services even though not requested by the individual. The charge, however, may not exceed the amount by which the cost of (or, if less, the customary charges for) such more expensive items or services furnished by such provider in the second cost reporting period immediately preceding the cost reporting period in which such charges are imposed exceeds the applicable limit imposed under the provisions of § 405.460(d). This charge may be made only if:

(1) The intermediary determines that the charges have been calculated properly in accordance with the provisions of this section; and

(2) The services are not emergency services as defined in paragraph (d) of this section; and

(3) The admitting physician has no direct or indirect financial interest in such provider; and

(4) The Social Security Administration has provided notice to the public through notice in a newspaper of general circulation servicing the provider's locality and such other notice as the Secretary may require, of any charges the provider is authorized to impose on individuals entitled to benefits under title XVIII of the Act on account of costs in excess of the costs determined to be necessary in the efficient delivery of needed health services under such title; and

(5) The provider has, in the manner described in paragraph (e) of this section, identified such charges to such individual or person acting on his behalf as charges to meet the costs in excess of the costs determined to be necessary in the efficient delivery of needed health services under title XVIII of the Act.

(b) *Provider request to charge beneficiaries for costs in excess of limits.* (1) Where a provider's actual costs (or, if less, the customary charges) in the second preceding cost period exceed the prospective limits established for such costs, the intermediary shall, at the provider's request, validate in advance the charges which may be made to the beneficiaries for the excess.

(2) Where a provider does not have a second preceding cost period and is a new provider as defined in § 405.460(g), the provider, subject to validation by the intermediary, will estimate the current cost of the service to which a limit is being applied. Such amount shall be adjusted to an amount equivalent to costs in the second preceding year by use of a factor to be developed based on estimates of cost increases during the preceding 2 years and published by the Social Security Administration. The amount thus derived will be used in lieu of the second preceding cost period amount in determining the charge to the beneficiary.

(3) To obtain consideration of such a request, the provider must submit to the intermediary a statement indicating the charge for which it is seeking validation and providing the data and method used to determine the amount. Such statement should include:

(i) Producer's name and number;

(ii) Identity of class and prospective cost limit for the class in which the provider has been included;

(iii) Amount of charge and cost period in which the charge is to be imposed;

(iv) The cost and customary charge for items and services rendered to beneficiaries; and

(v) The cost period ending date of the second reporting period immediately preceding the cost period in which the charge is to be imposed. The intermediary may request such additional information as it finds necessary with respect to the request.

(c) *Provider charges*—(1) *Establishing the charges.* If the actual cost incurred (or, if less, the customary charges) in

the prior period determined under paragraph (a) of this section exceeds the limits applicable to the pertinent period, the provider may charge the beneficiary to the extent costs in the second preceding cost reporting period (or the equivalent when there is no second preceding period) exceed the current cost limits. (Data from the most recently submitted appropriate cost report will be used in determining the actual cost.) For example, if a limit of $58 per day is applied to the cost of general routine services for the provider's cost reporting period starting in calendar year 1975 and if the provider's actual general routine cost in the second preceding reporting period, i.e., the reporting period starting in calendar year 1973, was $60 per day, the provider (after first having obtained intermediary validation and subject to the considerations and requirements specified in paragraph (a) of this section) may charge hospital insurance beneficiaries up to $2 per day for general routine services.

(2) *Adjusting cost.* Program reimbursement for the costs to which limits imposed under § 405.460 are applied in any cost reporting period shall not exceed the lesser of the provider's actual cost or the limits imposed under § 405.460. If program reimbursement for items or services to which such limits are applied plus the charges to beneficiaries for such items or services imposed under this section exceed the provider's actual cost for such items or services, program payment to the provider shall be reduced to the extent program payment plus charges to the beneficiaries exceed actual cost. If the provider's actual cost for general routine services in 1975 was $57,000, the cost limit was $58,000, and billed charges to hospital insurance beneficiaries were $2,000, the provider would receive $55,000 from the program ($57,000 actual cost minus the $2,000 in charges to the beneficiaries).

(d) *Definition of emergency services.* For purposes of paragraph (a)(2) of this section, emergency services are those hospital services which are necessary to prevent the death or serious impairment of the health of the individual, and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital (see § 405.192) available and equipped to furnish such services. Where an individual has been admitted to such hospital as an inpatient because of an emergency, the emergency will be deemed to continue until it is safe from a medical standpoint to move the individual to another hospital or other institution or to discharge him.

(e) *Identification of charges to individual.* For purposes of paragraph (a)(5) of this section, a provider shall give or send to the individual or his representative, a schedule of all items and services which the individual might need and for which the provider imposes charges under this section, and the charge for each. Such schedule shall specify that the charges are necessary to meet the costs in excess of the costs determined to be necessary in the efficient delivery of needed health services under title XVIII of the Act and shall include such other information as the Social Security Administration considers necessary to protect the individual's rights under this section. The provider, in arranging for the individual's admission, first service, or start of care, shall give or send this schedule to the individual or his representative when arrangements are being made for such services or if this is not feasible, as soon thereafter as is practicable but no later than at the initiation of services.

Subpart F—Agreements, Elections, Contracts, Nominations, and Notices

7. In § 405.607, paragraph (a) is revised to read as follows:

§ 405.607 Essentials of agreements with providers of services.

Under the terms of the agreement (see § 405.606) the provider agrees:

(a) Not to charge any individual, or other person (except as described in §§ 405.608–405.610 and 405.461):

* * * * *

[FR Doc.74–12867 Filed 6–5–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

HOSPITAL COSTS UNDER THE HEALTH INSURANCE PROGRAM

Interim Schedule of Limits

On March 19, 1974, there was published in the FEDERAL REGISTER (39 FR 10313) a Notice of Proposed Schedule of Limits on Hospital Costs Under the Medicare program for cost reporting periods beginning on and after the effective date of final regulations implementing section 223 of P.L. 92–603. On April 30, 1974, an extension of the comment period was granted (39 FR 15060) giving interested parties until May 18, 1974, to submit written comments or suggestions thereon. Comments and suggestions received with regard to this Notice of Proposed Schedule of Limits, responses thereto, and changes in the proposed schedule of limits are summarized below:

1. Many commenters suggested that the term "general routine service costs" should be clarified to indicate whether the inpatient routine nursing salary cost differential payment is to be included. This suggestion was adopted and the Notice has been revised to indicate that the limits apply to the total of "hospital inpatient general routine service costs" as defined in § 405.452(d)(2) (also see § 405.452(d)(7)) and the inpatient routine nursing salary cost differential payment defined in § 405.430 and excludes the cost of any inpatient special care units and ancillary services.

2. One of the comments received noted that the District of Columbia was included in both the schedules of limits—within Standard Metropolitan Statistical Area (SMSA) and outside SMSA. The Schedule of Limits applicable to hospitals located outside SMSA's has been revised to delete specific dollar limitations for hospitals located in Washington, D.C. because the entire area of Washington, D.C. is located within an SMSA. The Schedule of Limits for hospitals within SMSA's has been revised to include dollar limitations for hospitals located in a newly designated and defined SMSA in Alaska.

3. The Notice has been revised to reflect a publication (Federal Information Processing Standards Publication—F.I.P.S. Pub. 8–3) in which the definition and list of SMSA's can be found.

4. Some comments were received suggesting that the final published regulations, rather than the Notice of proposed limits, include the detailed methodology employed to establish the limits on general routine service costs for hospitals. The Secretary believes it more appropriate for the Notices to describe the methodology used in determining the published limits and thus make it easier for interested parties to understand the methodology. Moreover, there may be different methods for different types of providers and for different types of services. Therefore, this suggestion has not been adopted.

5. A number of comments were received regarding various aspects of the classification system and their effect on setting limits. While it is recognized that the initial limits may not be as refined as those developed in the future, it is believed the initial limits will identify hospitals whose costs are in excess of those deemed necessary for efficient delivery of hospital inpatient general routine services. Efforts to develop a more advanced classifications system—one that will permit improved identification of hospitals whose costs are excessive—will continue but awaiting development of such a system is neither desirable or necessary. These comments although not adopted at this time, will be taken into account in future efforts to refine the classification system.

6. Various editorial changes have been made in the interest of clarity. The following Notice of Schedule of Limits on Hospital Inpatient General Routine Service Costs has been adopted by the Secretary.

Notice is hereby given that the Schedule of Limits on Hospital Inpatient General Routine Service Costs in the Medicare program has been established by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. This interim schedule is applicable for cost reporting periods beginning on or after July 1, 1974, and before the earlier of July 1, 1975 or the effective date of any revised schedule. The schedule set forth herein will be carefully reviewed by the Commissioner in the coming months with a view toward developing a more refined classification system which better adjusts for such cost factors as patient mix, scope-of-services, and the economic conditions of the local labor market. As revised, a new schedule will be published, with the approval of the Secretary, to be effective for cost reporting periods beginning no later than July 1, 1975.

The Schedule of Limits on Hospital Inpatient General Routine Service Costs set out below will apply to the entire cost reporting period of a provider whose cost reporting period begins during the effective period of this schedule. The schedule, as approved, applies to the total of the cost of routine services as defined in 20 CFR, § 405.452(d)(2) (also see § 405.452(d)(7)) and the inpatient routine nursing salary cost differential payment described in § 405.430. These limits do not apply to the cost of special care units or ancillary services. Section 1861(v)(1) of the Social Security Act as amended by section 223 (Limitations on Coverage of Costs Under Medicare) of P.L. 92–603 (the Social Security Amendments of 1972) permits the Secretary to set prospective limits on overall provider costs or provider costs for specific items or services based on estimates of the costs necessary in the efficient delivery of needed health services. Separate schedules of limits will be issued for skilled nursing facilities and home health agencies prior to the beginning of the cost reporting period to which such limits would be applied.

To provide adequate sized comparison bases and to permit reasonable comparisons between providers within a group a classification system was developed to take into account two principal elements: hospital size and economic environment essentially reflecting urban or nonurban locations by geographic groupings. A provider's location within a Standard Metropolitan Statistical Area is used as a proxy for an urban location while providers not located in a Standard Metropolitan Statistical Area are considered nonurban. (A Standard Metropolitan Statistical Area, as defined by the Office of Management and Budget, is a county or group of contiguous counties which (1) includes at least one city of 50,000 inhabitants, or (2) otherwise meets the basic criteria specified by the Office of Management and Budget for defining such areas. The standard definition and a complete list of Standard Metropolitan Statistical Areas can be found in the Federal Information Processing Standards Publication (F.I.P.S Pub. 8–3), which is available from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.)

These two principal elements (size and economic environment) are reflected in five State groupings with the States classified according to per capita income as follows:

STATE GROUP I	
Alaska	Nevada
California	New Jersey
Connecticut	New York
Hawaii	Washington, D.C.
Illinois	
STATE GROUP II	
Delaware	Ohio
Maryland	Pennsylvania
Massachusetts	Rhode Island
Michigan	Washington
STATE GROUP III	
Arizona	Missouri
Colorado	Nebraska
Florida	New Hampshire
Indiana	Oregon
Iowa	Virginia
Kansas	Wisconsin
Minnesota	
STATE GROUP IV	
Georgia	South Dakota
Idaho	Texas
Maine	Utah
Montana	Vermont
North Carolina	Wyoming
Oklahoma	
STATE GROUP V	
Alabama	North Dakota
Arkansas	Puerto Rico
Kentucky	South Carolina
Louisiana	Tennessee
Mississippi	West Virginia
New Mexico	

Providers in each of the five State groups have been divided between those located in SMSA's and those not in SMSA's. These 10 groups have been further divided into 7 bed-size categories resulting in 70 classes.

The actual limits were developed for each of the 70 groups in the following manner:

1. Inpatient routine service cost data for each participating hospital was obtained from the fiscal intermediaries.

2. The data for hospitals in each class were arrayed in descending order of inpatient routine service cost.

3. The 90th percentile and the median were computed for each class.

4. For each class, an amount equal to

10 percent of the median was added to the 90th percentile amount.

5. This sum was adjusted by a factor at a 10.5 percent annual rate to reflect estimated cost increases.

6. The amounts calculated in step 5 are rounded to the next higher dollar which establishes the limit for each class, subject to adjustment for other than calendar year hospitals.

Under the authority of section 1861(v) of the Social Security Act as amended by P.L. 92–603, the following dollar limitations apply to the total of the hospital inpatient general routine service costs and the inpatient routine nursing salary cost differential (excluding costs incurred for special care units and ancillary services), adjusted upward as provided for below, and are applicable to cost reporting periods beginning on and after July 1, 1974, and before the earlier of July 1, 1975 or the effective date of any revised schedule. Revised schedules of limits will be published on a periodic basis.

Where a hospital has a cost reporting period beginning on or after July 1, 1974, the published limit will be adjusted upward by 9/10th of one percent of the published limit for each elapsed month between January 1, 1974, and the month in which the hospital's reporting period starts. Adjustment must be calculated in dollars and cents.

Example. Hospital A's cost reporting period starting in 1974, begins October 1, 1974, and ends September 30, 1975. The cost factor for Hospital A's group for calendar year 1974 is $83.00.

Computation of adjusted cost limit

Cost factor	$83.00
Plus: Adjustment for 9-mo. period (Jan. 1, 1974 to Sept. 30, 1974, 9 mos. × .9 percent=8.1 percent, 8.1 percent × $83.00	6.72
Adjusted cost limit applicable to hospital A for the Oct. 1, 1974, to Sept. 30, 1975, reporting period	89.72

SCHEDULE OF LIMITS ON HOSPITAL INPATIENT GENERAL ROUTINE SERVICE COSTS

Hospitals located within SMSA's (urban)

State	Bed size						
	Less than 55	55 to 99	100 to 169	170 to 264	265 to 404	405 to 684	685 or more
Alabama	$71	$74	$67	$74	$76	$74	$74
Alaska	143	135	138	139	128	150	167
Arizona	100	86	86	87	82	90	90
Arkansas	71	74	67	74	76	74	74
California	114	108	111	112	102	120	134
Colorado	100	86	86	87	82	90	90
Connecticut	114	108	111	112	102	120	134
Delaware	84	91	88	91	98	99	128
District of Columbia	114	108	111	112	102	120	134
Florida	100	86	86	87	82	90	90
Georgia	71	77	76	78	76	77	77
Hawaii	131	124	127	128	117	138	154
Idaho	71	77	76	78	76	77	77
Illinois	114	108	111	112	102	120	134
Indiana	100	86	86	87	82	90	90
Iowa	100	86	86	87	82	90	90
Kansas	100	86	86	87	82	90	90
Kentucky	71	74	67	74	76	74	74
Louisiana	71	74	67	74	76	74	74
Maine	71	77	76	78	76	77	77
Maryland	84	91	88	91	98	99	128
Massachusetts	84	91	88	91	98	99	128
Michigan	84	91	88	91	98	99	128
Minnesota	100	86	86	87	82	90	90
Mississippi	71	74	67	74	76	74	74
Missouri	100	86	86	87	82	90	90
Montana	71	77	76	78	76	77	77
Nebraska	100	86	86	87	82	90	90
Nevada	114	108	111	112	102	120	134
New Hampshire	100	86	86	87	82	90	90
New Jersey	114	108	111	112	102	120	134
New Mexico	71	74	67	74	76	74	74
New York	114	108	111	112	102	120	134
North Carolina	71	77	76	78	76	77	77
North Dakota	71	74	67	74	76	74	74
Ohio	84	91	88	91	98	99	128
Oklahoma	71	77	76	78	76	77	77
Oregon	100	86	86	87	82	90	90
Pennsylvania	84	91	88	91	98	99	128
Puerto Rico	76	79	72	80	82	80	80
Rhode Island	84	91	88	91	98	99	128
South Carolina	71	74	67	74	76	74	74
South Dakota	71	77	76	78	76	77	77
Tennessee	71	74	67	74	76	74	74
Texas	71	77	76	78	76	77	77
Utah	71	77	76	78	76	77	77
Vermont [1]							
Virginia	100	86	86	87	82	90	90
Washington	84	91	88	91	98	99	128
West Virginia	71	74	67	74	76	74	74
Wisconsin	100	86	86	87	82	90	90
Wyoming [1]							

[1] No Standard Metropolitan Statistical Areas for these States.

SCHEDULE OF LIMITS ON HOSPITAL INPATIENT GENERAL ROUTINE SERVICE COSTS—Continued

Hospitals located outside SMSA's (nonurban)

State	Bed size						
	Less than 55	55 to 99	100 to 169	170 to 264	265 to 404	405 to 684	685 or more
Alabama	$61	$58	$59	$65	$57	$57	$57
Alaska	132	116	125	107	102	102	102
Arizona	69	65	70	69	78	78	78
Arkansas	61	58	59	65	57	57	57
California	97	92	99	86	82	82	82
Colorado	69	65	70	69	78	78	78
Connecticut	97	92	99	86	82	82	82
Delaware	91	83	82	77	67	67	67
Florida	69	65	70	69	78	78	78
Georgia	68	65	71	66	83	83	83
Hawaii	121	107	115	98	94	94	94
Idaho	68	65	71	66	83	83	83
Illinois	97	92	99	86	82	82	82
Indiana	69	65	70	69	78	78	78
Iowa	69	65	70	69	78	78	78
Kansas	69	65	70	69	78	78	78
Kentucky	61	58	59	65	57	57	57
Louisiana	61	58	59	65	57	57	57
Maine	68	65	71	66	83	83	83
Maryland	91	83	82	77	67	67	67
Massachusetts	91	83	82	77	67	67	67
Michigan	91	83	82	77	67	67	67
Minnesota	69	65	70	69	78	78	78
Mississippi	61	58	59	65	57	57	57
Missouri	69	65	70	69	78	78	78
Montana	68	65	71	66	83	83	83
Nebraska	69	65	70	69	78	78	78
Nevada	97	92	99	86	82	82	82
New Hampshire	69	65	70	69	78	78	78
New Jersey	97	92	99	86	82	82	82
New Mexico	61	58	59	65	57	57	57
New York	97	92	99	86	82	82	82
North Carolina	68	65	71	66	83	83	83
North Dakota	61	58	59	65	57	57	57
Ohio	91	83	82	77	67	67	67
Oklahoma	68	65	71	66	83	83	83
Oregon	69	65	70	69	78	78	78
Pennsylvania	91	83	82	77	67	67	67
Puerto Rico	65	63	63	70	61	61	61
Rhode Island	91	83	82	77	67	67	67
South Carolina	61	58	59	65	57	57	57
South Dakota	68	65	71	66	83	83	83
Tennessee	61	58	59	65	57	57	57
Texas	68	65	71	66	83	83	83
Utah	68	65	71	66	83	83	83
Vermont	68	65	71	66	83	83	83
Virginia	69	65	70	69	78	78	78
Washington	91	83	82	77	67	67	67
West Virginia	61	58	59	65	57	57	57
Wisconsin	69	65	70	69	78	78	78
Wyoming	68	65	71	66	83	83	83

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: May 21, 1974.

Approved: May 30, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.74-12868 Filed 6-5-74;8:45 am]

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PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit— Federal Housing Commission

■

FIRE SAFETY EQUIPMENT IN NURSING HOMES

Insurance for Supplemental Loans

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner

[24 CFR Part 232]

[Docket No. R-74-272]

FIRE SAFETY EQUIPMENT IN NURSING HOMES

Insurance for Supplemental Loans

The Department of Housing and Urban Development is considering amending Subtitle B of Title 24 of the Code of Federal Regulations, Chapter II, Subchapter B, Part 232, Nursing Homes and Intermediate Care Facilities Mortgage Insurance, by adding a new Subpart C, Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment, and a new Subpart D, Contract Rights and Obligations. The amendments will implement section 232(i) of the National Housing Act, which section was added by Pub. L. 93-204, December 28, 1973, to provide insurance of supplemental loans to finance the purchase and installation of fire safety equipment necessary to meet the fire safety requirements of the Department of Health, Education, and Welfare for providers of services under titles XVIII and XIX of the Social Security Act.

The regulations will apply to both conventionally-financed and federally insured nursing homes and intermediate care facilities.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views or statements with regard to the proposed regulations. Communications should be filed in triplicate, using the above docket number and title, with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., 20410. All relevant material received on or before July 8, 1974, will be considered by the Secretary before adoption of a final rule. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed amendment is as follows:

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

Sec.

AUTHORITY: Sec. 211, 52 Stat. 23, as amended; sec. 232, 73 Stat. 663 (12 U.S.C. 1715b, 1715w); as further amended by Pub. L. 93-204 (Dec. 28, 1973).

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

§ 232.500 Definitions.

In addition to the definitions contained in Subpart A, incorporated herein by reference, the following terms, as used in §§ 232.500 et seq., shall have the meaning indicated:

(a) "Insured loan" means a loan insured by the endorsement of the credit instrument by the Commissioner.

(b) "Insurance premium" means the loan insurance premium paid by the financial institution to the Commissioner in consideration of the contract of insurance.

(c) "Fire safety equipment" means equipment purchased, installed, and maintained in nursing homes and intermediate care facilities, which is necessary for compliance by such home or facility with the applicable requirements for institutional occupancy under the 1967 edition of the Life Safety Code of the National Fire Protection Association, or other such code or requirements approved by the Secretary of Health, Education, and Welfare for providers of services under title XVIII and title XIX of the Social Security Act. In addition to those requirements approved by the Secretary of Health, Education, and Welfare as necessary for institutional occupancy, "fire safety equipment" may also include those fire safety-related improvements which are not mandatory under the requirements of the Secretary of Health, Education, and Welfare but which he considers desirable for protection against the hazards of fire and which the borrower agrees to install. For the purposes of this definition, the terms "nursing home" and "intermediate care facilities" shall include those facilities designated as skilled nursing facilities or intermediate care facilities by HEW.

(d) "Fire safety loan" means any form of secured or unsecured obligation as may be determined by the Commissioner to be eligible for insurance under this subpart.

(e) "Equipment cost" means the reasonable cost of "fire safety equipment" fully installed as estimated by the Secretary of Health, Education, and Welfare and as determined by the Commissioner.

(f) "Insured loan maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the loan instrument or instruments.

(g) "Approved lender" means a financial institution or other mortgagee approved by the Commissioner as eligible for insurance under section 2 of the National Housing Act, or a mortgagee approved under section 203(b)(1) of the National Housing Act.

FEES AND CHARGES

§ 232.505 Application and application fee.

(a) *Prior approval.* An application for insurance of a fire safety loan under this part shall be considered only in connection with a proposal which has been approved by the Secretary of Health, Education, and Welfare, or his designee, based upon (1) his determination of need for such equipment to be installed in the facility as a condition for participation for providers of services under

Title XVIII and Title XIX of the Social Security Act, and (2) his determination that upon installation of such equipment the project will meet the fire safety requirements prescribed by the Secretary of HEW for participation under Titles XVIII and XIX of the Social Security Act, and (3) his judgment that the cost estimate for purchase and installation of the equipment is a reasonable cost estimate."

(b) *Filing of application.* An application for insurance of a fire safety loan for a nursing home or intermediate care facility shall be submitted on an approved FHA form by an approved lender and by the owners of such project through the local FHA office.

(c) *Application fee.* An application fee of $2.00 per thousand dollars of the amount of the fire safety loan applied for shall accompany the application. The minimum application fee shall be $50.00.

§ 232.510 Commitment and commitment fee.

(a) *Issuance of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the fire safety loan will be insured.

(b) *Type of commitment.* The commitment will provide for the insurance of the loan after satisfactory completion of installation of the fire safety equipment, as determined by the Secretary of HEW.

(c) *Term of commitment.* (1) If the commitment fee is paid as required, a commitment shall have a term within which the borrower is required to begin construction, and if construction is begun as required, for such additional period as the Commissioner deems necessary for satisfactory completion of installation.

(2) The term of a commitment may be extended in such manner as the Commissioner may prescribe.

(d) *Commitment fee.* A commitment fee which, when added to the application fee, will aggregate $4.00 per thousand of the amount of the fire safety loan (with a minimum total of $50.00 for both fees) set forth in the commitment, and shall be paid prior to issuance of the commitment.

(e) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 10 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. If the reopening request is not received by the Commissioner within the required 10-day period, a new application, accompanied by the required application and commitment fee, must be submitted.

(f) *Increase in commitment prior to endorsement.* An application, filed prior to endorsement, for an increase in the amount of an outstanding firm commitment shall be accompanied by a combined additional application and commitment fee. The combined additional fee shall be in an amount which will aggregate $4.00 per thousand dollars of the amount of the requested increase. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount computed at the same dollar rate per thousand dollars of the amount of increase in commitment as was used for the inspection fee required in the original commitment. The additional inspection fee shall be paid prior to the date installation of fire safety equipment, is begun or, if installation has begun, it shall be paid with the application for increase.

§ 232.515 Refund of fees.

If the amount of the commitment issued or an increase in loan prior to endorsement is less than the amount applied for, the Commissioner shall refund the excess amount of the application and commitment fees submitted by the applicant. If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application and commitment fees or any portion thereof may be returned to the applicant. Commitment and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that the installation of fire safety equipment for the project has been prevented because of condemnation proceedings or other legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine.

§ 232.520 Maximum fees and charges by lender.

The lender may collect from the borrower the amount of the fees provided for in this subpart. The lender may also collect from the borrower an initial service charge in an amount not to exceed one and one-half of one percent of the original principal amount of the loan to reimburse the lender for the cost of originating and closing the transaction. Any additional charges shall be subject to the prior approval of the Commissioner.

§ 232.522 Inspection fee.

The commitment shall provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the commitment. The minimum inspection fee shall be $50.00 paid prior to the date construction is begun: *Provided, however,* That in no case shall the combined total of the fees provided for in §§ 232.505, 232.510 and this section exceeds one percent of the original principal face amount of the loan.

ELIGIBLE SECURITY INSTRUMENTS

§ 232.525 Note and security form.

The lender shall present for insurance a note and security instrument, if required, on forms approved by the Commissioner for use in the jurisdiction in which the property to be improved is located.

§ 232.530 Disbursement of proceeds.

At the time of endorsement for insurance of the note by the Commissioner, the entire principal amount of the note shall have been disbursed to the borrower or to his creditors for his account and with his consent.

§ 232.535 Loan multiples—minimum principal.

The loan shall involve a principal obligation in multiples of $100, and the minimum principal obligation shall be $5,000.

§ 232.540 Method of loan payment and amortization period.

(a) *Monthly payments.* The loan shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payment in accordance with the amortization plan as agreed upon by the borrower, the lender and the Commissioner.

(b) *Amortization period.* (1) The loan shall have an amortization of either 5, 10, or 15 years by providing for either 60, 120, or 180 monthly amortization payments. No fire safety loan shall have an amortization period in excess of 15 years unless the amount of the loan exceeds $50,000.00, in which event the amortization period may be increased to 20 years, with a provision for 240 monthly amortization payments.

(2) In any event, the loan shall have a maturity satisfactory to the Commissioner of not less than 5 or more than 20 years from the date of the beginning of amortization or the Commissioner's estimate of the remaining economic life of the structure, whichever is the lesser.

(3) The Commissioner shall establish the date of the first payment to the principal.

§ 232.545 Covenant against liens.

The security instrument shall contain a covenant against the creation by the borrower of additional liens against the property superior or inferior to the lien of such instrument, except with the prior approval of the Commissioner.

§ 232.550 Accumulation of next premium.

The security instrument shall provide for payments by the borrower to the lender on each interest payment date of an amount sufficient to accumulate in the hands of the lender one payment period prior to its due date the next annual insurance premium payable by the lender to the Commissioner.

§ 232.555 Security instrument and lien.

The security instrument shall cover the entire property included in the project, shall be a lien on the real property of the project under the laws of the jurisdiction in which the project is located, and may be junior to such prior liens or mortgage indebtedness as the Commissioner may approve. The Commissioner may from time to time require such other security, in lieu of, or in

addition to, a lien on real property as he may prescribe.

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed nine percent.

(b) Interest shall be payable in monthly installments on the principal amount of the loan outstanding on the due date of each installment.

§ 232.565 Maximum loan amount.

The principal amount of the loan shall not exceed the Commissioner's estimate of the cost of the fire safety equipment, including the cost of installation. The sum of the liens against the property which are superior in priority to the fire safety loan and the fire safety loan shall not exceed ninety percent of the Commissioner's estimate of the value of the project upon completion of installation of the fire safety equipment. The cost of installation may include the cost of such other work to be performed on the project as is necessary to meet the requirements of the Secretary of Health, Education, and Welfare and the Commissioner to enhance the fire safety of the project, and such costs incidental to installation as may be approved by the Commissioner.

§ 232.570 Endorsement of credit instrument.

The Commissioner shall indicate his insurance of the loan by endorsing the credit instrument and identifying the section of the Act and regulations under which the loan is insured and the date of insurance, subject to the presentation and approval by him of the following:

(a) Certification of full disbursement of loan proceeds as provided for in § 232.530.

(b) Certification of costs as required by § 232.610.

(c) Statement by the Secretary of Health, Education, and Welfare that the fire safety equipment noted in the determination required by § 232.620 has been satisfactorily installed.

§ 232.580 Application of payments.

(a) The security instrument shall provide that all monthly payments to be made by the borrower shall be added together and this aggregate amount shall be paid by the borrower upon each monthly payment date in a single payment. The lender shall apply the payment to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Interest on the loan;

(3) Amortization of the principal of the loan;

(b) Any deficiency in the amount of any monthly payments required under paragraph (a) of this section shall constitute an event of default and the loan shall further provide for a grace period of 30 days within which time the default must be cured.

§ 232.585 Prepayment privilege and prepayment charge.

The security instrument shall contain a provision permitting prepayment of the loan in whole or in part upon any interest payment date after giving to the lender 30 days' advance written notice and it may contain a provision, with the approval of the Commissioner, for a reasonable charge in the event of prepayment.

PROPERTY REQUIREMENTS

§ 232.590 Eligibility of property.

(a) A loan to be eligible for insurance shall be on real estate held:

(1) In fee simple; or

(2) On the interest of the lessee under a lease for not less than ninety-nine years which is renewable; or

(3) Under a lease having a period of not less than fifty years to run from the date the loan is executed.

(b) The property constituting security for the loan transaction must be held by an eligible borrower as herein defined and must at the time the loan is insured be free and clear of all liens other than those specifically approved by the Commissioner.

TITLE

§ 232.595 Eligibility of title.

In order for the property which is to be the security for a loan to be insured under this subpart to be eligible for insurance, the Commissioner shall determine that the title to the property is vested in the borrower as of the date the security instrument is filed for the record. The title evidence will be examined by the Commissioner and the endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 232.600 Title evidence.

The lender, without expense to the Commissioner, shall furnish to the Commissioner a policy of title insurance, or if the lender is unable to furnish such policy for reasons satisfactory to the Commissioner, the lender without expense to the Commissioner, shall furnish an abstract of title. The following are the requirements covering the title insurance and abstract of title:

(a) The policy of title insurance shall be issued by a company and in a form satisfactory to the Commissioner. The policy shall name as the insureds the lender and the Secretary of Housing and Urban Development, as their respective interests may appear. The policy shall provide that upon acquisition of title by the lender or the Secretary, it will become an owner's policy running to the lender or the Secretary, as the case may be.

(b) The abstract of title shall be satisfactory to the Commissioner, prepared by an abstract title company or an individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

FORM OF CONTRACT

§ 232.605 Contract requirements.

(a) The contract between the mortgagor and the general contractor may be in the form of either a lump sum contract or a cost plus contract. Either form of contract shall include the cost of fire safety equipment, its installation, and such other work to be performed by the contractor as necessary to meet the requirements of the Secretary of Health, Education, and Welfare and the Commissioner. A lump sum contract shall provide for the payment of a specified amount. A cost plus contract shall provide for the payment of the contractor's actual cost of compliance with the requirements of the contract, plus such allowance for overhead and profit as may be approved by the Commissioner and shall provide that the total cost under the contract shall not exceed an upset price as approved by the Commissioner.

(b) If agreed to by the general contractor and borrower, a lump sum form of contract between the borrower and the general contractor may be used unless the Commissioner determines that a cost plus contract with a maximum upset price is necessary to protect the interests of the borrower or the Commissioner.

COST CERTIFICATION REQUIREMENTS

§ 232.610 Certification of cost requirements.

(a) *Certificate and adjustment.* No loan shall be insured unless:

(1) A certification of actual cost is made by the contractor in cases in which a cost plus form of contract is used; and

(2) The amount of the loan is adjusted to reflect the actual cost to the borrower of the improvements when either a cost plus or lump sum form of contract is used.

(b) *Cost computation.* The term "actual cost of the improvements" shall mean the cost to the borrower of the improvements, after deducting the amount of any kickbacks, rebates, or trade discount received in connection with the improvements, and including the amounts paid under any contract for the improvements, labor, materials, and for any other items of expense approved by the Commissioner.

(c) *Statement of facts.* Any agreement, undertaking, statement or certification required in connection with cost certification shall specifically state that it has been made, presented and delivered for the purpose of influencing an official action of the Commissioner and may be relied upon as a true statement of the facts contained therein.

(d) *Incontestability.* Upon the Commissioner's approval of the cost certification, such certification shall be final and incontestable except for fraud or mate-

rial misrepresentation on the part of the borrower.

(e) *Records.* The borrower shall keep and maintain adequate records of all costs of any construction improvements or other cost items not representing work under the general contract and shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records, including any collateral agreements.

ELIGIBLE BORROWERS

§ 232.615 Eligible borrowers.

In order to be eligible as a borrower under this subpart the applicant shall be a profit or non-profit entity, which owns a nursing home or intermediate care facility for which the Secretary of Health, Education, and Welfare has determined that the installation of fire safety equipment in such facility is necessary to meet the requirements of the Secretary of Health, Education, and Welfare for providers of services under title XVIII and title XIX of the Social Security Act and that upon completion of the installation of such equipment the nursing home or intermediate care facility will meet not only the applicable fire safety requirements of HEW but will meet, or has submitted a plan acceptable to HEW to meet, other pertinent health and safety requirements of HEW for providers of such services. At the time of application a nursing home or intermediate care facility need not be provided such services if upon completion of installation such home or facility will meet, or has submitted a plan acceptable to HEW to meet, the requirements of HEW for providers of such services. Until the termination of all obligations of the Commissioner under an insurance contract under this subpart and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the loan, the borrower shall be regulated or restricted by the Commissioner as to methods of operation including requirements for maintenance of fire safety equipment.

SPECIAL REQUIREMENTS

§ 232.620 Determination of compliance by HEW.

An application under this subpart must be accompanied by a statement from the Secretary of Health, Education, and Welfare, or his designee, that the Secretary has determined that the physical plant of the facility, when the fire safety equipment has been installed, will be in compliance with the HEW requirements for fire safety and will meet, or has submitted a plan acceptable to HEW to meet, other pertinent health and safety requirements for providers of services under title XVIII and title XIX of the Social Security Act (Medicare and Medicaid). The architectural exhibits, as approved by HEW, together with any commitment requirements HEW deems appropriate, must accompany the statement. In the case of Intermediate Care Facilities, the statement by HEW to HUD will be based upon a determination that the facility has been approved in accordance with applicable HEW statutes and regulations, subject to the proper installation of the proposed equipment.

§ 232.625 Discrimination prohibited.

Any contract or subcontract executed for the installation of equipment, or construction of improvements to the project shall provide that there shall be no discrimination against any employee or applicant for employment because of sex, religion, race, color, creed or national origin.

§ 232.630 Assurance of completion.

If the property upon which the fire safety equipment is to be installed is subject to a mortgage insured or held by the Commissioner pursuant to Subpart B of this part, the Commissioner may require such assurance of completion of the contract for installation as he may from time to time prescribe.

Subpart D—Contract Rights and Obligations

§ 232.800 Definitions.

All of the definitions contained in § 232.500 shall apply to this subpart. In addition, as used in this subpart, the following term shall have the meaning indicated:

(a) "Contract of insurance" means the agreement evidenced by the endorsement of the Commissioner upon the note given in connection with an insured loan and includes the provisions of this subpart and the applicable provisions of the Act.

(b) "Maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the loan.

PREMIUMS

§ 232.805 Insurance premiums.

(a) *First premium.* The lender, upon the endorsement of the loan for insurance, shall pay to the Commissioner a first loan insurance premium equal to one percent of the original face amount of the note.

(b) *Second premium.* The lender, on the date of the first principal payment, shall pay a second premium equal to one percent of the average outstanding principal obligation of the loan for the year following such first principal payment date which shall be adjusted as of that date so that the aggregate of the first and second premiums shall equal the sum of one percent per annum of the average outstanding principal obligation of the loan for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(c) *Annual insurance premium.* Until the note is paid in full, or until the loan is assigned to the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the lender, on each anniversary of the date of the first principal payment shall pay an annual loan insurance premium equal to one percent of the average outstanding principal obligation of the loan for the year following the date on which such premium becomes payable.

(d) *Method of premium payment.* Premiums shall be payable in cash or in debentures of the General Insurance Fund at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as provided in § 232.800 et seq.

(e) *Calculation of premiums.* The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

§ 232.815 Termination of insurance.

(a) *Prepayment in full.* The contract of insurance shall be terminated if the loan is paid in full prior to its maturity. Notice of the prepayment shall be given to the Commissioner, on a form prescribed by the Commissioner, within 30 days from the date of the prepayment. The insurance termination shall become effective as of the date of the prepayment, or 30 days prior to the Commissioner's receipt of the prepayment notice, whichever is later.

(b) *Voluntary termination.* The contract of insurance shall be voluntarily terminated upon receipt by the Commissioner of a written request, on a form prescribed by the Commissioner, by the borrower and the lender for such termination, accompanied by a submission of the original credit instrument for cancellation of the insurance endorsement and the remittance of all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met.

§ 232.825 Pro rata refund of insurance premium.

Upon termination of a loan insurance contract by a payment in full or by a voluntary termination, the Commissioner shall refund to the lender for the account of the borrower an amount equal to the pro rata portion of the current annual loan insurance premium theretofore paid which is applicable to the portion of the year subsequent to the effective date of the termination.

RIGHTS AND DUTIES OF LENDER UNDER THE CONTRACT OF INSURANCE

§ 232.830 Definition of default.

(a) If the borrower fails to make any payments due under or provided to be paid by the terms of the note or security instrument, the note shall be considered in default for the purposes of this subpart.

(b) The failure to perform any other covenant under the note or security instrument shall be considered a default, provided the lender, because of such default, has exercised its rights under the note or security instrument and accelerated the debt.

(c) If such defaults as defined in paragraphs (a) and (b) of this section continue for a period of 30 days, the lender

shall be entitled to receive the benefits of insurance hereinafter provided.

§ 232.840 Date of default.

In computing loan insurance benefits, the date of default shall be considered as:

(a) The date of the lender's acceleration of the debt because of the borrower's uncorrected failure to perform a covenant or obligation under the note or security instrument; or

(b) The date of the first failure to make a monthly payment which subsequent payments by the borrower are insufficient to cover when applied to the overdue monthly payments in the order in which they become due.

§ 232.850 Notice of default.

(a) If the default is not cured within the 30 day grace period, as defined in § 232.830(c), the lender shall, within 30 days thereafter, notify the Commissioner in writing of such default.

(b) The lender shall give notice in writing to the Commissioner of the failure of the borrower to comply with any covenant or obligation under the security instrument or note regardless of the fact that the lender may not have elected to accelerate the debt.

§ 232.860 Commissioner's right to require acceleration.

Upon receipt of notice of the failure of the borrower to comply with any covenant or obligation under the security instrument or note, or otherwise being apprised thereof, the Commissioner may require the lender to accelerate payment of the outstanding principal balance due.

§ 232.865 Election by lender.

Where a real estate mortgage, or other security instrument has been used to secure the payment of a loan made under the provisions of this subpart and Subpart C of this part, the lender may either elect to assign the loan to the Commissioner in exchange for the payment of insurance benefits or may exercise its rights under the note and security instrument in lieu of making a claim for insurance benefits. If the lender elects the latter course, the Commissioner shall be so notified and the contract of insurance shall be deemed terminated upon the date of receipt of such notification.

§ 232.875 Maximum claim period.

Notice of intention to file claim on a form prescribed by the Commissioner shall be filed within 45 days after the lender becomes eligible for the benefits of the loan insurance, or within such later time as may be agreed upon by the Commissioner in writing.

§ 232.880 Items to be delivered on submitting claim.

Within 30 days after the filing of the notice of intention to file claim, or within such further period as may be agreed upon by the Commission in writing, the lender shall deliver to the Commissioner:

(a) The fiscal data pertaining to the loan transactions;

(b) Receipts covering all disbursements as required by the fiscal data form;

(c) The original note and any security instrument or instruments which shall be assigned to the Commissioner without recourse or warranty, except that the lender must warrant that no act or omission of the lender has impaired the validity and priority of such security instrument or instruments, that the security instrument or instruments are prior to all mechanics' and material-men's liens filed of record subsequent to the recording of such security instrument or instruments regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which which may have arisen subsequent to the recording of such security instrument or instruments, except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the security instrument or instruments, that there are no offsets or counterclaims thereto, and that the lender has a good right to assign such note and security instrument or instruments;

(d) The assignment to the Commissioner of all rights and interests arising under the note and security instrument or instruments so in default and all claims of the lender against the borrower or others arising out of the loan transaction;

(e) All policies of title or other insurance or surety bonds, or other guarantees and any and all claims thereunder; including evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the note and security instrument or instruments to the Commissioner.

(f) All records, ledger cards, documents, books, papers and accounts relating to the loan transaction;

(g) Any additional information or data which the Commissioner may require.

(h) The following cash items, held in connection with the loan insured under this subpart, shall either be retained by the lender or delivered to the Commissioner in accordance with instructions to be issued by the Commissioner at the time the insurance claim is filed.

(1) Any cash held by the lender or its agents or to which it is entitled including deposits made for the account of the borrower and which have not been applied in reduction of the principal of the loan indebtedness.

(2) All funds held by the lender for the account of the borrower received pursuant to any other agreement.

§ 232.885 Insurance benefits.

(a) *Method of payment.* Payment of claim shall be made in the following manner:

(1) *Payment in cash.* Unless a written request for payment in debentures is filed with the application, payment shall be made in cash.

(2) *Optional payment in debentures.* Payment shall be made in debentures upon filing a written request with the application.

(b) *Amount of payment.* Upon an acceptable assignment of the note and security instrument, the Commissioner shall pay the claim of the lender in an amount equal to the unpaid principal balance of the loan as of the date of default determined as follows:

(1) By adding the following items:

(i) Any accrued interest due as of the date of execution of the assignment of the loan to the Commissioner.

(ii) Any advances approved by the Commissioner made previously by the lender under the provisions of the note or security instrument or instruments.

(iii) Reimbursement for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

(iv) Any loan insurance premiums paid after default.

(v) If payment is made in cash, an amount equivalent to the debenture interest which would have been earned thereon, as of the date such cash payment is made, except when the lender fails to meet any one of the applicable requirements of §§ 232.850, 232.875, and 232.880, within the specified time and in a manner satisfactory to the Commissioner (or within such further time as the Commissioner may approve in writing), the interest allowance in such cash payment shall be computed only to the date on which the particular required action should have been taken or to which it was extended.

(2) By deducting from the total of the items computed under paragraph (b)(1) of this section the following items:

(i) Any amount received by the lender on account of the loan after the date of default.

(ii) Any net income received by the lender from the property covered by the note or security instrument and not applied to prior debts held by that lender.

(iii) The sum of the cash items retained by the lender pursuant to § 232.880(h)(i)(ii).

§ 232.890 Characteristics of debentures.

Debentures issued in settlement of insurance claims under this subpart shall have the same characteristics and the same requirements for registration and redemption as those issued pursuant to Subpart B of this part except that debentures shall bear interest at the rate in effect as of the date the commitment was issued, or as of the date the loan was first endorsed for insurance, whichever rate is higher and shall mature 10 years from the date of issue which date shall be the date of execution of the assignment of the loan to the Commissioner.

§ 232.893 Cash adjustment.

Any difference of less than $50 between the amount of debentures to be issued to the lender and the total amount of the lender's claim, as approved by the Commissioner, shall be adjusted by the issuance of a check in payment thereof.

ASSIGNMENTS

§ 232.895 Assignment of insured loans.

(a) An insured loan may be transferred only to a transferee who is a lender approved by the Commissioner. Upon such transfer and the assumption by the transferee of all obligations under the contract of insurance the transferor shall be released from its obligations under the contract of insurance.

(b) The contract of insurance shall terminate with respect to loans described in paragraph (a) of this section upon the happening of either of the following events:

(1) The transfer or pledge of the insured loan to any person, firm, or corporation, public or private, other than an approved lender.

(2) The disposal by a lender of any partial interest in the insured loan to other than an approved lender.

EXTENSION OF TIME

§ 232.897 Actions to be taken by lender.

With respect to any action required of the lender within a period of time prescribed by this subpart, the Commissioner may extend such period.

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SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

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